

The work was truly exacting, and it cost no little trouble and expense to the Andhra Provincial Congress Committee to prepare and publish this elaborate report, which it is hoped, will be useful to the Legislature in the programme of amendment to the Estate Land Act which it is about to undertake. I take this opportunity of expressing the thanks of the Andhras and of the public in general for the very strenuous work done by the members of this Committee, notably by its secretary, Sri R. Mandeswarasarma.

Masulipatam, }
21-7-1938. } B. Pattabhi Sitaramayya,
President,
A. P. C. C.

Office Report.

TO THE PRESIDENT

ANDHRA PROVINCIAL CONGRESS COMMITTEE.

Our committee was appointed in pursuance of the resolution of the Andhra Provincial Congress Committee which consists of: Messrs Dr. B. Pattabhi Seetha Ramayya (President) G. Brahmayya, Hon. V. Ramadoss, Prof. N. G. Ranga, R.B. Ramakrishnaraju, N. Venkatarama Naidu (Editor Zamin Ryot), E. Seeta-Ramarow and R. Mandeswara Sarma.

This sub-committee met at Bezwada on 27-10-37 and resolved to open the office at Kovvur with Mr. R. Mandeswara Sarma as the secretary. It was also resolved to issue an explanatory note to the questionnaire published by the Parliamentary Committee and send them to the various ryots' organizations. It further resolved to tour the eight Andhra Zamindari Districts of Chittoor, Nellore, Guntur, Kistna, West Godavary, East Godavary, South and North Vizag, in order to explain the scope and importance of the enquiry proposed

by the Parliamentary Committee on Zaminadri areas, and help the ryots in preparing answers to the questionnaire issued by them and study the Questions.

Accordingly the office was opened at Kovvur on 29-10-37. Nearly 3,000 leaflets were sent to hundreds of ryots and congress organizations explaining the importance and scope of the present enquiry. We started our tour on 13-11-37 and from that date up to 30th of November we enquired into the conditions of zamindari areas at nearly 40 centres. We obtained material from 600 villages belonging to nearly 200 zamindaries including some Agraharams and Mukhasas, in this tour. Details as to the names of these centres and the villages covered by them are given in the enclosure.

Next, a second tour was conducted in which also further enquiries were made and additional material was collected.

With this material before us and authoritative petitions and Memoranda and other records as also literature existing on the subject, we prepared a preliminary memorandum suggesting changes in the Estates Land Act and

other concerned Acts and a report 'on the condition of Zamindari Ryots in Andhra Districts'.

This memorandum was placed by the secretary before the meetings of this sub-committee held on 28-11-37 and on 12-12-37 at Bezawada and Masulipatam respectively, which was accepted with necessary changes. A copy of this memorandum was submitted to the Parliamentary Enquiry Committee on 7-1-38 at Vizagapatam. However, as it was thought necessary that a consolidated memorandum, containing all the valuable material, results of study from the reports, and proposals in the previous memorandum should be prepared with concrete suggestions and in the light of further experiences--it was so prepared with the valuable help given by members of this Committee. This consolidated memorandum was presented to the sub-committee meeting on 19-5-38, held at Masulipatam, and it was considered and accepted with necessary changes by the members present. It was presented for the approval of the working committee of the Andhra Provincial Congress Committee on 9-6-38 held at Vizianagaram. The following is the English rendering of the resolution of the Working Committee of the A. P.C.C. which accepted it after due consideration and with some changes-

*This Committee while congratulating the Zamin Ryot Sub-Committee and its Secretary on having marshalled evidence including the filing of relevant records, before the Parliamentary Enquiry Committee of the Govt. of Madras into zamindari areas, hereby approves their comprehensive report there with enclosed. This was then presented to the Parliamentary Enquiry Committee on Zamindaris.

Without going into details here as to our activities during this period we only state that the enthusiasm shown by the agricultural masses in zamindari areas is unprecedented. Even the hill tribes of the Parlakimidi, Saloor, Madugal and East Godavari came to represent their grievances only in thousands. There were many impressive scenes created when harrowing tales of zamindari oppression are being narrated by the simple peasant folk in their artless, yet straight language before this committee and the Parliamentary Enquiry Committee.

In this connection we would acknowledge with gratitude the willing help rendered to us everywhere, especially by the Andhra Provincial Zamindari Ryots' Association and the Provincial Ryots' Association and the District Ryot and Congress organisations as also those in the Taluqs, the ryots, and others believing in the justice of zamindari ryot's cause including many ex-service gentlemen of the Estates.

The sub-committee meetings held are six, (i. e.) being held on 27-10-37, 12-12-37, 16-1-38, 26-1-38, 10-5-38 (along with the Provincial Congress Working Committee) and on 19-5-38. The bulletines issued from this office are 8. Communications, packets and letters despatched both by post and otherwise are nearly 800 up-to-date, and these received are about 500 by 21-7-38. Number of witnesses presented to the Committee at the Vizag, Rajahmundry, and Madras centres where the Parliamentary Enquiry Committee sat from 6-1-38 to 12-1-38, from 16-1-38 to 22-1-38 and from 20-1-38 to 30-1-38 respectively, is about 200, the details of which are given as far as possible in the enclosure. At all these centres the committee opened its office and in addition to giving just help to the witnesses in matters of presenting evidence, production of documents, this Committee made arrangements for their suitable accomodation with the co-operation of local committees. At the Vizagapatam centre about 400 Hill-tribe men of Madugala were helped with rations during the days they were there to represent their grievances. At the Madras centre the office of this committee was opened at the Congress House and all the ryots were conveniently accomodated.

The money grants made to this office by the Andhra Provincial Congress Committee

from time to time amount to are ~~Rs~~ 659-1-6 up-to-date excluding the cost of printing of this report. Accounts are maintained for the same, and duly submitted to the A. P. C. C.

The following is the financial statement of this sub-committee from 28-10-37 to 25-7-38.

R. A. P. Grants made by the Andhra Provincial Congress Committee from 659-1-6 time to time.

EXPENDITURE.

	R. A. P.
..... Postage	72-3-6
..... Stationery	12-10-6
..... Printing & type charges	88-1-3
..... Establishment including salaries	88-11-0
..... Travelling including the travelling expenses of the Committee and the expenses of the office establishment at Vizag, Rajahmundry and Madras centres.	373-4-0

659-1-6

Balance on the } 634-14-3
above date. } 24-3-3

Kovvur, }
26-7-1938. }

659-1-6

Secretary.

**LIST OF GENTLEMEN WHO GAVE EVIDENCE AT THE
VIZAG, RAJAHMUNDRY AND MADRAS CENTRES
ON BEHALF OF ZAMIN RYOTS MOST OF THEM
BEING REPRESENTATIVE WITNESSES.**

VIZAG CENTRE.

There are gentlemen with experience of Govt. & Zamindari service, rural re-construction workers, hill-tribes men also amongst these witnesses in addition to a large number of experienced ryots including representatives of ryot organisations.

NAME.	ESTATE.
Sri.	
1. Ch. Krishnamurthy garu	Mandasa
2. Yellappa Nookannadhora garu (from the hill tribes of Salur).	} Salur
3. Bhaskarabhatla Venkatesam garu	
4. M. Suryanarayana Patnaik garu	Jelantra

NAME.	ESTATE.
Sri.	
5. N. Seetayya garu	} Baruva peta & other } petty Z, mindaries } Gopalapuram
6. One witness	
7. Prodhan Ramanna garu	
8. P. Pundarikakshachari garu	} Bobbili
9. Simhadri Suryanarayana garu	
10. Chintada Digambara Naidu garu	
11. Nagireddi Narayana Naidu garu	} Parlakimidi
12. Boyina Appalaswami garu	
13. Savara witness	
14. B. Jeevaratnam Naidu garu	} Kasimkota
15. Lanka Sanjeeva Rao garu	
16. Malla Jagannadham garu	
17. Pentakota Sri Ramulu Naidu garu	} Chemudu
18. Thamerla Kondanna Naidu garu	
19. Pyla Ramanna garu	
20. Borijonaiko garu	} Tharla

21. Pangi Appanna garu
22. Mandi Guruvulu garu
23. Gollapalli Pattai Naidu garu
24. Pydi Kurmadoss garu
25. Kelli Chinnababu garu
27. Two representatives

Madugala

Siripuram

Yelamanchili

Kondapalem Agraharam,
Rangaseyapuram,
Priya Harischandrapuram
etc.

28. Gopal Bupati Devavarma garu

Madugala plains)

29. T Lachumanna garu

Guntaseema (Jeypore)

30. A. Gopala Rao garu

Kurupam.

31. M. V. Ramamurty garu

} Merangi, Belagam, Parvati,
puram and Sangamvalasa
(Bobbili)

PETTY ZAMINDARIES AND AGRAHARAMS.
NAME. ESTATE.

	Appikonda Estate
	Yellamanchili
	Lakshmipuram
	Markondaputty
	Gumada Agraharam Estate
	Nagulapalli
	China Harischandrapuram
	Gurrandhorapalem
	Sangivalasa
	Smarula Chintalavalasa
	Tharapuram
	Sitamambapuram
	etc.

37. 6 witnesses

RAJAHMUNDRY CENTRE.

(Estates in East & Wes Godavaries, Kistna and G tur Districts).

38. M. D. Meerasahib garu

39. Jeevaratnam garu

} Muktyala

Sri.	NAME.	ESTATE.
40.	Tumu Kondayya garu	Chintalloor (Mokhasa) Total Estate
41.	Sugasani Venkatapati garu	Sarabhavaram, Totapalli Estate
42.	Amaradi China Ramayya garu	Kondimadugulavarimokhasa Tottapalli Estate
43.	Koneru Veerabhadrayya garu	Telaprole
44.	P. Venkata Subbayya garu	Gangole Estate
45.	Jasty Chandrayya garu	Challapalli
46.	K. Venkateswara Row garu	Tyajampudi
47.	V. Ramamurthy garu	Chimalapadu-Mylavaram Adavi-
48.	M. Venkanna garu	Nekkalam
49.	A. V. S. Ramarao garu	Gollapali
50.	S. Lakshmanarao garu	
51.	M. Krishna Murthy garu	
52.	V. Venkataratnam garu	

NAME.	ESTATE.
Sri.	
53. N. Veeraih garu	} Chintalapudi Mokhasa villages
54. M. Sreermulu garu	
55. Syed Hussen garu.	} Guntapalli Mokhasa
56. Mokkalapati Venkata Gopalar	
57. Gorella Venkamma garu	} Agraharam ryots of Guntur District
58. Meka Satyanarayana garu	} Peta, Dandangi, Indukur
59. Dasari Ammanna garu	
60. Ch. Venkatadri garu	} Group of Pithapuram Vigayammampeta
61. D. Bhadrappa garu	
62. D. Manikyam garu	} Nellipudi (Mokhasa) Nagar Taluq
63. P. Venkata Rama Reddi garu	
64. A. Subbappa Chowdari garu	} Musunur
65. G. Ramabrahmam garu	
66. K. Subrahmanyam garu	} Yernagudem Gundepalli
67. M. Venkataswami garu	
	} Yelamanchili

	NAME.	ESTATE.
Sri.		
68	A. Satyanarayana garu	} ithapuran
69	D. Rama Bhadrudu garu	
70	B. Brahmaraju garu	
71	M. Kameswara Row garu	
72	A. Subba Rao garu	} Ravilanka (Mokhesa
73	D. Ramadoss garu	
74	M. Ramamurty garu	} Gollaprole
75	Ch. Seshagiri Row garu	
76	N. Pullayya garu.	} Muktyala
77	G. Ammanna garu	
78	K. Subbanna garu	Chinna.yagudem
79	K. Venkateswara Row garu	Kalavalapalli
80	M. Atchyuta Ramamurty gar	} Krithi Vennu
81	K. Satyanarayana garu	
82	Ch. Satyanarayana Rao garu	} Tuni
83	A. Lakshmayya garu	
		} Kalipatnam

NAME.	ESTATE.
Sri.	
84. S. Ch. Venkanna garu	Gopavaram
85. B. Perayya garu	Dharavaram
86. G. Yeggenna garu	Lakkavaram
87. V. V. Kondayya garu	Korangi Island
88. S. Rama Raju garu	Kesanakurru
89. D. Venkata Ratnam garu	Agraharam Ryot
90. K. Tammi Raju garu	Kolanka
91. T. Ramaswami garu	Veeravaram
92. J. Venkateswarlu garu	Jaggampeta
93. V. Ramayya garu	Kapileswarapuram
94. P. Veeraju garu	Kirlampudi.
95. Ch. Venkatadri garu	Agency.
96. P. V. Kondayya garu	Neelpalli.
97. Ch. Hanumanta Rao garu	Dandang

NAME.

ESTATE.

Sri.

99. N. Kondaratnam garu

100. Y. Venkatachelam garu

101. M. Balaramiah garu

102. M. Sheshayya garu

103. G. Venkanna garu

104. D. Narayana Rao garu

105. M. Bapaniah garu

106. S. Ramaih garu

107. K. Buchaiah garu

108. Nagi Reddi garu

109. V. Buddadu garu

110. V. Kanga Row garu

111. Ch. Ramachandrayya garu

Minor Estates.

Gopalapuram.

Pithapuram (Lanka)

Challapalli.

Pithapuram Taluq. (Indukur group)

Tirivuru

Lankas.

Mokhasa ryots of Kistna.

MADRAS CENTRE.

Gampalagudem.

Chundi Estate.

} Munagala.

} Andhra Agraharam Ryots' Association.

Sri.	NAME.	ESTATE.
144.	S. Obulu Naidu garu	Thandaparampakam
145.	Subrahmanyam garu	} Amur Estate
146.	Ramachandra Iyer garu	
147.	Devasikhamani Mudali garu	} Tiruthani
148.	K. Muniswami Naidu garu	
149.	P. Veukata Rama Naidu garu	} Chenchunadu
150.	Venkatram Iyer garu	
151.	Ponnuswami Mudali garu	Venkataperumal Rajapuram
152.	Venkataswami Raju garu	} Kalahasti
153.	P. Perianti Reddi garu	
154.	B. Bayyapa Reddi garu	} Tirur Mittah
155.	Ponnuvelu Mudaliar garu	
156.	Koka Rajaratnam Naidu garu	

Note :—Sree G. Sivaswamy of the Servats of India Society and Sree G. Krishna Row Pantulu ex-Dewan Tuni and others gave evidence as independent witnesses.

TABLE OF CONTENTS.

Sec. I. Importance of the problem—Zamindari system a creation of the East India Company—Permanent settlement not a binding contract against the ryots—Even as against the Government and Zamindars, it is subject to the usages and rights of ryots—Government of India Act 1935 not a bar for cancellation of P. S. — If ending of the system is not possible it must be at least be mended by interpreting relationship correctly—The view point of national economy and the recognition of the economic basis of modern politics must be accepted,

Page 1 to 10.

Sec. II. Proprietorship of the soil, of waste lands, Forest lands, and subsoil rights.

Page 11 to 22.

Sec. III. Some unhappy expressions—Questions analysed rents and renting—permanent settlement and established warm — History of rack renting—How old standards and methods are being exploited for enhancement—Wet rents in kinds—Tarams—Wet rents in cash—Garden crops on dry lands—Second crop—Cropwari rates—Dry rates—Some unique methods of renting—Water tax above wet

rate—Localisation powers abused—Two land lords collecting two sets of rents—Government and Zamindar collecting rent on Inams Enhancement of rates on Inams. Absence of Government survey—Presence of private survey — Remission and suspension of rents — Proposals.

Page 22 to 76.

Sec. IV. *Irrigation works.*

Tanks — Dasabandham tanks — Channel and rivulets—wells and ponds- regulation of water supply—Drainage facilities—New projects—Conclusion.

Page 77 to 90.

Sec. V. Kist bund—Cursed joint pattah—Arbitrary methods and coercive process — Change in the agency of the collection.

Page 90 to 100.

Sec. VI. Suits and contests—Contesting inequality of the parties—Conclusions.

Page 100 to 105.

Sec. VII. Seri land—Estate relatives as ryots.

Page 105 to 107.

Sec. VIII. Communal lands— Conclusion.

Page 108 to 119.

Sec. IX. Illegal cesses mamul and compulsory labour.

Page 119 to 122.

Sec. X. Hill tribes and Ryots in Forests. Monopoly in Madugala—wild animals—Forest rights of Hill-men.

Page 123 to 129.

Sec. XI. Patta and muchilikas.

Right to trees.

Page 129 to 133.

Sec. XII. Some studies in agriculture and crops in the Zamindari area—Economic disability of the Zamindari ryot—Leases and sales not indications of agricultural profits—Causes analysed — Bardoli enquiry and economic enquiry of Kistna, Godavari Districts and their reports will prove this.

Page 133 to 140.

Sec. XIII. Lanka ryots.

Page 140 to 142.

Sec. XIV. Village service in Zamindari administration and lack of mass contact — Aghaharam ryots.

Page 143 to 147.

Summary of conclusions & proposals.

Page 147 to 157.

THE IMPORTANCE OF THE PROBLEM.

In the whole of British India, the zamindari arable land is 31 crores of acres and the zamindars receive Rs 80 crores as rent, while the peishkush paid by them is Rs 18 crores to Government. In the Madras Presidency the total number of zamindaries is about 1,500. The Agraharams and Mokhasas come up to 5,000. The total rent received by the zamindars alone is Rs 2.54 crores, the peishkash paid on them being about Rs 49 lakhs. The total acreage cultivated and uncultivated is about 2 crores according to the government report.* (vide administration report, on Madras Land Revenue, 1934-35.) The calculated rental value (i.e. in the proportions of 2/3 to the state and 1/3 for the zamindar on the bariz annual amount at the time of the permanent settlement) on the basis of peishkash will come up to 73 lakhs of rupees. This shows that the present income of the zamindars is increased by nearly four and half times over that of the permanent settlement amount. This permanent settlement took place with many estates in 1802. The importance of the zamindary ryots'

question to the Andhra country can be well gauged by looking into appendix No. 1. Not less than half the total area of the seven Andhra Districts of Vizag, East Godavary, West Godavary, Krishna, Guntur, Nellore and Chittoor is under zamindaries. Many important rivers, hundreds of rivulets, jungle streams, historic tanks and ponds which can command millions of acres and with a great future for improvement are situated in zamindaries. The forest and mineral wealth lying imbedded in the zamindari areas is abundant. Even politically considered, the zamindari ryot is an important factor. Of the 3.5 crores of voters in the whole country under the new constitution, more than a crore will be in these areas. Yet it is this class of people that suffers most from class-oppression, economic backwardness, poverty, ignorance and helplessness.

* F.N. "There appears difference as to the figures given in the administration report and statistical atlas, as regards the extent of zamindari area. Here Govt. report is followed.

THE ZAMINDARY SYSTEM AS WE SEE IT NOW is purely the creation of the East India Company for perpetuating their political domination over the country, and for a successful collection of the company's revenue. The permanent settlement is only an arrangement as between East India Company and the rent collectors, auction bidders, a few representatives of the ancient Rajahs and some other tenure holders. The ryots are not parties to it, nor have they parted with their rights. But, even this arrangement was entered into by the zamindars and the company subject to the usages of the country, the customary rights of the ryots in the land as also other inherent appurtenant and necessary rights of the villagers and ryots, and the paramount rights of the state. Even in the view that it is an arrangement between zamindar and Government it ought to be so binding so long as all the engagements therein mentioned are strictly adhered to, in letter and spirit by the zamindars. The state (and legislature) in the public interest has the paramount right to interpret it as also regulate and adjust the relationships thereunder in harmony with the conditions and needs of the society at large through suitable Legislation.

Above all there is nothing in the way of a sovereign people to alter any settlement what-so-ever when it outlives the times, when it is oppressive to the crores of the nation's food producers and when it proves to be a huge block in the way of the economic, political and cultural progress of the nation.

THE GOVERNMENT OF INDIA ACT 1935 NOT A BAR AGAINST THE CANCELLATION OF PERMANENT SETTLEMENT.

Both in connection with the agriculturists' debt relief bill and the enquiry into the conditions of the zamindari ryots, with a view to reform the Madras Estates Land Act, the zamindars in this province have raised certain constitutional questions, the most important of which is that it is not competent for the provincial Legislatures as constituted by the Government of India Act, 1935, to interfere with the rights of the zamindars either in regard to bringing down the level of rents or scaling down arrears of rent. A careful reading of the Government of India Act will disclose that no such constitutional privileges were given to zamindars under that Act either in regard to fixation of fair and equitable rents payable by ryots or even in regard

to the abolition of the Permanent Settlement itself. The joint select Committee on the Government of India Bill have gone into these questions. In para 258 of their report, the Committee expressed the view that the argicultural income derived by the zamindars by way of rents from their ryots can be subjected to taxation, that means to say, that in addition to peishkush paid by zaminadars, they can also be required to pay an incometax on their agricultural income. This is now embodied in the Government of India Act itself vide item 41 of the Provincial Legislative List in the VIIth Schedule of the Act. In para 372 of the Report, the Committee discussed even a more fundamental question, namely, the competence of the provincial legislatures to repeal or modify regulations on the basis of which permanent settlement engagements were entered into with the zamindars. Article 39 of the Provincial Legislative List is comprehensive in regard to the reform of the land revenue system of the province, including land revenue system in the zamindaries. The combined effect of articles 39 and 41 is that provincial legislatures are competent to repeal or modify the regulations and Acts dealing with land

revenue settlement or the terms of the settlement, if effected outside the scope of the regulations. In dealing with the claims put forward by the holders of the permanently settled estates, the Joint Parliamentary Committee said :—

“we do not dispute the fact that the declarations as to the permanence of the settlement, continued in the Regulations under which it was enacted, could not have been departed from by the British Government so long as that Government was in effective control of land revenue. But we could not regard this fact as involving the conclusion that it must be placed beyond the legal competence of an Indian Ministry responsible to a Legislature, which is to be charged, *inter alia* with the duty of regulating the land revenue system of the province, to alter the enactments embodying the permanent settlement, which enactments, despite the promises of permanence which they contain, are legally subject (like any other Indian enactment) to repeal or alteration. Nevertheless, we feel that the permanent settlement is not a matter for which, as the result of the introduction of Provincial Autonomy. His Majesty's Government can properly dis-

claim all responsibility. We recommend therefore that the Government should be instructed to reserve for the signification of His Majesty's pleasure any Bill passed by the Legislature which would alter the character of the Permanent Settlement''.

In pursuance of this recommendation of the Joint Parliamentary Committee, provision has been made in the Government of India Act, 1935, for reservation by the Governor for the consideration of the Governor-General any bill which would alter the character of the Permanent Settlement-vide para 18-c of the Instrument of Instructions to the Governors. When a bill is reserved by a Governor for the consideration of the Governor-general the Governor-general may himself assent in His Majesty's name to the bill or reserve the bill for the significance of His Majesty's pleasure thereon vide sections 75 and 76 of the Government of India Act. The instrument of instructions to the Governors further lays down that the Governor shall not withhold the sanction for the introduction of any bill which would alter the character of the permanent settlement. This is all the protection that is given to the zamindars in respect of measures which will alter the character of the

permanent settlement. It may be assumed that no Governor-General will withhold assent to such measures when passed by the provincial legislatures, which are competent to do so under the constitution. The assurances given by the British Government to the Congress premiers also support this. As the Madras Board of Revenue repeatedly stated "the State asserted and often in later times exercised the power of resuming the exercise of its rights from the zamindars, without thereby altering the terms and conditions of the ryots' tenure." Mr. Hodgeon, who was intimately connected with the permanent settlement in Madras, in his memoir of 1806 states the position very clearly thus: "Whether the agent was a permanent officer, a temporary officer, a subbedhar, a polygar, a Tahsildar or whether a jaghirdar or inamdar or any other description of person is of little consequence, as it in no way affects the rights enjoyed by the ryots. They are unalterable by an intermediary agency of any description which may be employed to realise *the dues to the Government*." The Madras High Court, in some recent decision, stated the position in much the same words. Vide the judgments of the Madras High Court in 63 M. L. J. 450 at page 485 and 65 M. L. J. 423 at page 442.

There is, therefore, no substance in the constitutional pleas raised by the landholders in regard to the competency of the Provincial Legislature not only to so amend the Madras Estates Land Act as to fix fair and equitable rents on the holdings of the ryots by bringing them down to the level of ryotwari assessment or even below that, if necessary, but also to abolish the permanent settlement itself.

INTERPRET RELATIONS FROM THE VIEW POINT OF NATIONAL ECONOMY. ECONOMIC BASIS OF MODERN POLI- TICS-REALISTIC VIEW POINT.

If the present Government cannot or will not abolish the permanent Settlement to-day it is its foremost duty at-least to correctly interpret the legal position from the view point of the customary rights of ryots and usages of this land to which the permanent settlement also must be held to be subject; and above all from the view point of national economy; and adjust the present relationships and matters between the zamindars and ryots accordingly. We cannot interpret, adjust or regulate relationships under whatever law or

usage except in terms of the conditions and needs of a given society. It is therefore necessary to interpret, regulate and adjust these relationships and matters not purely from an academic point of view but from a "realistic" point of view, i. e., from the view point of the economic well-being of the nation. This Economic basis of modern politics is a principle which is now re-cognized in all the world-countries to-day whether soviet, fascist, democratic or despotic, and they are all revolutionising, reforming or re-adjusting laws and national policies from the view point of national economy and devising ways and means for the economic, political and cultural advancement of the toiling masses. Even this view point is accepted by all parties in India including the zamindars (vide. The Nawab of Chatari's speech before the All-India Land-Holders Conference recently) to-day. Welfare of the peasants ought to be the chief concern of the zamindar even under the "sanads" and "Kabuliats" also. So even our approach of legal matters must be from this realistic view point.

SEC. II

PROPRIETORSHIP OF SOIL OF WASTE AND FOREST LANDS AND MINING RIGHTS.

The proprietorship of the soil vests in the ryots. The zamindar is only an agent for collecting state dues. He has neither proprietary rights in the sub-soil nor in waste lands nor in irrigation works. Authors of the permanent settlement as also eminent jurists, support these views. (*vide* : *Sundaraja Iyengar's Land Tenure*).

The question of proprietorship of soil was the subject of hot debate for not less than 20 years in the Victorian era. As a result of the authoritative expositions of civilians like the late R. C. Dutt, the Government of India appears to have agreed to for-get about this and the recent evolution of the land revenue policy in the Madras Presidency is decidedly in favour of the ryots' contentions. Further this question is not now of practical importance, except in regard to sub-soil rights and disposal of waste lands. Even the Madras Estates Land Act of 1908 has defined those

rights with considerable precision. Under the provisions of that Act, as interpreted by the Judicial Committee of the Privy council, the kudiwaram right which means the right of permanent occupancy in the holding is vested in the ryots. The zamindars' right is confined to the collections of melwaram, that is, rent lawfully payable on the holding, so far as ryoti land in occupation of ryots is concerned. It is clear from the provisions of regulations of 1802 and the Sanads issued to zamindars that what the zamindars collect from the ryots is the land revenue payable to the State, and they do it as assignees from the Government; they pay to the Government out of such collections sums fixed by the settlement, which are known by the name of "peishkush," and retain the balance to themselves. Such an arrangement really amounts to this: The right to Rajabagham vests in the state and the right to kudiwaram in the ryot. The zamindar, who collects the Rajabagham for the State and retains something out of it for the duties he discharges, is really an intermediary employed by the state for the purpose of collection of Rajabagham. If this theory is correct, then the ownership must vest either in the state or in the ryot or in both and never in the zamindar.

Unfortunately, the East India Company, who entered into settlements with the zamindars, used in the Regulations and in the Sanads language which is wholly is incorrect and inappropriate in describing the settlements as vesting permanent rights in the soil in the zamindar. The East India Company could never have done it either in legal theory or practice. The Regulations of 1802 were explained later on by other regulations and declarations by Statesmen and Administrators that the settlement was not intended to vest the right in the soil in the zamindars and that the right of the State or the cultivators were not affected in any way by the settlement. In fact, the Statute of the Parliament, which gave directions to Lord Cornwallis, Governor-General of India, in regard to the settlement (24 George III, Chapter 25) expressly stated that the settlement and establishment of "the permanent rules by which the tribute, rents and services of the Rajahs, zamindars, Polygars, Talukdars and other native landholders" should proceed "upon principles of modern justice according to the law and constitution of India". So, the authors of the permanent settlement had no right to do anything in derogation of the law and

constitution of India. Any one, who knows the ancient Hindu and Mohammadan systems of Jurisprudence in regard to land-holding in India, must have been familiar with the rights of the cultivators in the soil and relations between the State and the cultivator. The permanent settlement cannot be interpreted, therefore, as having done away with the law and constitution of India, which was at that time very well known. Indeed, Lord Cornwallis himself stated the effect of the Permanent Settlement in these words : " I understand permanency to extend to Jummah only and not to details of the settlement : for many regulations will certainly be hereafter necessary for the further security of the ryots in particular. It is evident that the only mode of remedying these evils is to establish such rights.....I agree with Mr. Shore (Sir John Shore) that some interference on the part of the Government is undoubtedly necessary for adjusting a demand of the zamindar on the ryots " .

Mr. Forbes, who was responsible for the enactment of the Madras Estates Land Act, stated the position as follows :—" Now what was the nature of the right vested in the zamindar by the permanent Settlement ? We

all know the confusion and misconceptions which were introduced into the controversy by the use of the term proprietary rights", and the arguments that were set up upon false analogies drawn from the English law of property to confer upon the zamindar higher legal rights than they were entitled to.

The legal status of the zamindar under the permanent Settlement cannot be put higher than that of an assignee of public revenue. We say the legal status, because it is the only matter which concerns us in the present discussion. Attempts have been made to draw a distinction between zamindars who in 1802 were of comparatively recent origin and zamindars who were representatives of ancient families, who, it is claimed, had at one time larger interests in the country than mere farmers of land revenue. Specially are those claims urged in respect of some of the great zamindars in Northern Circars. But whatever these ancient rights might have been they had been absolutely destroyed as matters of legal right by the Moghul and Mohammadan Governments. I have made a careful examination of the history of the 18th century and I dare say that there is not a single instance in which the ancestors of

the present zamindars were not treated and regarded by the Muhammadan Government and its Viceroys at Hyderabad as farmers of the revenues. No doubt, the Muhammadan rulers found it expedient and advantageous to employ members of the ancient Hindu families who had established themselves in the country to undertake the duties of collection and act as their receivers-general but they never accorded to them any legal rights beyond, and the whole history of the times is a history of perpetual change among the zamindars, old zamindars removed and now zamindars appointed, again old zamindars restored; and in the distractions of the times the strongest and most acceptable survived. Such changes were strictly in accordance with the constitutional rights of the sovereign power. In the same way the engagements between these zamindars and the State were subject to revision at every renewal of the lease..... But the sole question which at present engages our attention is the question of the legal rights which the permanent settlement conferred upon them. The "proprietary" rights which the permanent settlement vested in the zamindar who accepted it appear then to be these :—

First, the right to collect the Government land revenue from the ryots in consideration of his paying to the State a certain proportion of that revenue as then ascertained, which proportion was fixed as a permanent annual peishcush and declared to be unchangeable for all time. This conferred upon him also the right without making any additional payment to the State, to extend cultivation over the waste and profit thereby, as well as to benefit by improvements consequent on agricultural developments. The value of this right consisted in this: That formerly the peishcush had been variable and subject to periodical settlement: now it was to be fixed. The zamindar was continued by the settlement as an assignee or farmer of the public revenue, as he had always been, only on a different basis.

Secondly, the zamindar was granted a permanent tenure instead of being an assignee or farmer *for a term*.

In the third place, the tenure included the power to transfer or alienate at his pleasure his rights as a zamindar. Formerly, as an assignee, farmer or collector, he had no legal authority so to transfer his right.

This power of alienation in itself at once gave the zamindar of 1802 a most valuable property. If the new tenure had been constituted as a jaghir on a fixed peishcush or quit-rent, it would have been resumable at the pleasure of the ruling power and consequently inalienable. The right conferred on the zamindar was a saleable right.

Finally, the estate was assured to the zamindar as a hereditary and heritable estate and could so descend without the assent, express or implied, of the sovereign power : how that descent was regulated does not concern us here ”,

The statement of the position by Mr. Forbes can be supported by quotations from numerous other authorities, but it is unnecessary to lengthen this memorandum with such questions.

The zamindars, apart from the wording of the Regulations and the Sanads, seem to claim ownership in the soil on three other grounds, namely, (1) Sub-soil rights, (2) Right to dispose of waste lands and (3) Right to evict a tenant when he renders the holding unfit for cultivation under the Madras Estates Land Act. Let us examine these claims.

(1) *Sub-soil rights* :—The zamindar has no rights in the sub-soil except what was granted expressly by the original settlement. The question was finally decided by the Privy Council in the well known case of the *Secretary of State Vs. Srinivasachariar*, 44 Mad. 421 and in a case from Bombay, the *Secretary of State Vs. Santaram*, 49 Bom. 99, it was decided that the grant should be construed in favour of the Government. It follows that the sub-soil rights are in the state, and the zamindars cannot claim it unless they show an express grant in their favour. Under section 7 of the Madras Estates land Act, a landholder is empowered to make a reservation of mining rights on admitting any person to possession of a ryoti land. In the case of a person not admitted to occupation by the zamindar but has been in immemorial occupation, it is clear that the zamindars cannot claim such sub-soil rights in the holdings which are in such occupation. To argue that the right in the soil vests in the zamindar, because he has the sub-soil rights is to reverse the process of argument and there is no foundation for the argument that the sub-soil rights are in the zamindar, in the absence of an express grant by the State. The onus is on the zamindar to establish such grant.

(2) *Right to dispose of waste lands :—*

In regard to disposal of waste lands, it is merely a power to regulate their assignment as public cultivable land. The zamindar cannot demand any more than the lawful melwaram payable on lands of similar quality with similar advantages in the neighbourhood, nor can he prevent the acquisition of permanent rights of occupancy by persons, who are let into waste land. There are only two categories of cultivable land under the Madras Estates Land Act, as amended in 1934, namely, private lands and ryoti lands. The category of old waste has been abolished. So, a waste land is a ryoti land and has all the characteristics of a ryoti land, and the zamindar cannot be said to have any rights in the soil. The provision in the Estates Land Act permitting the land-holder to receive premium when he lets in a ryot does not indicate ownership and the provision itself must be repeated.

(3) *Right to evict a tenant :—*In regard to the zamindar's right to evict a ryot under section 151 of the Madras Estates Land Act for materially impairing the value of an agricultural holding for agricultural purposes and rendering it substantially unfit for such

purposes, it is also more an incident of management of the Estate for the benefit of the Estate. Section 151 deals merely with a breach of the obligations enjoined in regard to the use of a ryoti land by section 11 of the Act. Ryoti land is thus preserved and protected not for the zamindar's personal benefit but for the benefit of the cultivating community of the village. The claim of the zamindars, who are virtually intermediaries between the State and ryots, to right in the soil is wholly baseless.

SOME OTHER UNHAPPY EXPRESSIONS.

The words "rent and tenant" are some other unhappy expressions creeping into the legal parlance of the East India Company's administration. The correct expression that should be used are "Tax" and "Ryots", which connote special meaning. Ignorance of and indifference to understand the true relationships of the parties under the law and usages of this land the political insignificance of the peasant and the importance of the zamindar to the Government of the day, together with the prepossessed notions of the early English Judges of the High Court, coming soon after the abolition of the "Sadar Adalat" are responsible

for this. But eminent judges like Subrahmanya Iyer J, soon stemmed the tide by stating the correct position of law in this country (Vide his very able and classical judgment in 20 Mad. 299) as regards the relationships between the ruler and the ryot. The Government began to probe into the truth and this has considerably helped in the passing of the Estate Land Act. So all these expressions must not be taken at their face values, nor can the zamindars build up theories with these unsafe props. These expressions must be understood only in terms of the fundamental positions, and correct relationship of the Zamindars and ryots.

SEC. III.

Questions Analysed.

We have now to stop here and come down to the realistic side. We would now present the tested material available with us on various grievances and inconveniences of the zamindari Ryots together with our conclusions and proposals for legislation under the following heads: Rents and renting (including renting in Agency tracts) - Absence of Government survey and presence of private survey Remission and suspension of rents - Irrigation

Works - Kist bund - cursed joint patta-arbitrary methods and coersive process in collection unjust crediting and irregular accounts - Suits, contesting inequality of the parties - Seri lands communal lands - Illegal cesses and mamools compulsory labour- Hill tribes- Ryots in forest Pattas and Muchilakas - Trees - Some studies under agricultural conditions in Zamindaris Lankha Ryots i. e., Islands in rivers- Village service and Zamindars Ryots Associations - Zamindari administration and Mass contact.

RENTS AND RENTING.

What is the old system of ascertaining rents and levying them in the various zamindaries under our enquiry? How that system gradually changed from 1802 to 1871 (we consider the fatal Chokalingam Pillai's decision as the second land mark) and from 1871 to 1908, the year of the Madras Estate Land act, and what is the present position in renting methods in the zamindaries? How do these rents compare with the neighbouring Government rates on similar soils? In order to enable the committee to formulate its answers to these questions we present the following material.

Permanent Settlement and Established Waram. — Even in the permanent settlement

sanads it is nowhere expressly said that the so called Rajabhagam is half the gross produce.

The expression used is "established warm" or "customary rent". In all the later regulations down to the Estate Land Act they are maintained. We hope what the zamindars mean by their "Rajabhagam" is this established warm. But even the zamindars seem to be divided as to whether it is half the net or half the gross produce. (Vide: the Memorandum presented by the Raja of Jaypore to the Parliamentary Committee in which it is believed that $\frac{1}{2}$ the net produce is their share. the courts' decisions in fixing established warm varied in each case. It must not be forgotten that there was no enquiry worth the name at that time to ascertain what this Rajabhagam was, according to the custom of this country or according to the usages in the various villages, or the ability of the ryot, nor was any opportunity given to the ryots to express their opinion on the matter. In fact the circuit committee then appointed was more concerned with finding the best agency for the revenue collections of the East India Company. In fact, this half the produce theory has been read into the permanent

settlement without a correct examination of the position. Even the sanads and kabuliats under the permanent settlement, do not, expressly settle the question as to how much the zamindar is to receive from his ryots, i. e. whether it should be half, less than half or anything of the produce. It is because the permanent settlement did not speak of the rates of rents which the zamindar ought to receive from his ryots, the former could exploit the situation and arbitrarily levy, rents and increase them to any heights until the passing of the Madras Estates Land Act in 1908. If at the time of the permanent settlement the question of ryot's burden was ignored by the then authorities the legislators of the 1908 Act simply gave a blessing to the same by a presumption that the rent burdens at the time of the P. S. with all their latter additions and exactions as equitable and fair without caring to examine the question in its entirety. Therefore this question of how much the ryot has to pay to the zamindar is never examined in this light and decided during these 137 years, and as such it is even to-day an open question.

It must further be noted that even the ryotwari ryots were always fighting against

the so-called half the net produce theory (i. e., as Rajabhaga) and the equally hollow theory that land revenue is a rent as propounded by the Government of the day, from the victorian era and the day's of Curzon's reign down to the period when Mr. Morjori Banks as revenue minister of Madras, also began to repeat the same "Manthra" for obtaining the consent of the Kistna Godavary ryots to an enhancement of 18 $\frac{3}{4}$ % at least, during the recent re-settlement of those districts. Veterans and experienced administrators like the late R. C. Dutt and Sir William Wedderburn and Legislators like Mr. N. Subbarao Pantulu and G. Venkataratnam Pantulu and many humble pracharaks working in the field during the settlement and re-settlement campaigns of these parts have successfully proved the hollowness of these two propositions and have shown that land revenue was a tax and was far less than $\frac{1}{2}$ the net in India and that it should be so even under any system. (Vide open letters to Lord Curzon by R. C. Dutt, Memorandum by the retired civil service men to the Government of India on Land Revenue policy in 1902. Council speeches of the late Mr. G. Venkataratnam Pantulu, memorandum on behalf of the Godavary Ryots lead by Mr.

N. Subbarao Pantulu during the 1900 settlement, "Property in land and nature of land Revenue in India under Hindu, Mohammadan and British system" by Hon. V. Ramadoss. Open letters to Sir Norman Marjori Banks by Mr. R. M. Sarma published in *Swarajya* dated 13-4-29, 17-5-29 and *Janmabhumi* issues of June 1929 amongst so many others). In addition to this the taxation enquiry committee's proposals fixing land revenue at 25% of the net produce, the Kistna-Godavary Economic enquiry committee's proposals have considerably helped the Government to correct themselves or at least to abandon these pet theories at this length of time. The latest proposals of the committee under the presidency of Mr. Marjori Banks himself result in the very negation of these theories. So, the zamindar who is only an agent of the state cannot claim more than the principal does. How can the zamindars claim a right today which even the paramount state is deemed to have abandoned?

Then how to ascertain the rents is the next question. Even in those days, the policy of the East India Company has been to use the very words of the directors is "to form arrangements with land-holders and by formulating and maintaining the rights of all descriptions of persons under the usages of the

country." (Vide: K. Achari's Estate Land Act, Introduction).

That is why in the subsequent enactments rent is discribed as "customary rent" and "established warm". To interpret this "customary rent" and Established warm" as half the gross produce in the zamindari areas or as half the net produce in ryotwari areas is not in accord with the ancient law and usages of this country nor is it correct from the usages obtaining in various localities in those days (Vide prevy Council decisions on this). These two expressions have a real meaning. They have to be understood in the light of the established revenue systems of ancient India, and the ability of the ryot, or they must now be defined.

So, for the purpose of ascertaining what the zamindar is to receive from the ryot as lawful rent, the permanent settlement sanads will not help, nor will the so-called contracts between the ryots and the zamindar which are admittedly by coercion if not by fraud, in all cases, (There are hundreds of court judgments holding that these leases are obtained by "pressure and coersion" at least in a majority of the Estates) will be of any help nor the decisions based on these

unjust contracts. So the presumption in the Estates Land Act that the existing rent is fair and equitable should be set aside. The whole question must be attempted with a clean mind. As it is laid down in some decisions and in many despatches of the Government also, a lawful rent is that which is not opposed to the principles and established practices in this country, but it varied according to each locality. During the Hindu rule the rules the rates of the Dharma Sastras prevailed. Even during the time of the Mogal regime, the traditions of the Hindu rule were respected by some rulers. But ever since the Mogal Throne at Delhi became weak, South India lost the benefits of peace and order. The rule of the Maharattas or that of Hyder Ali and other rulers so far as Madras Presidency is concerned, were admittedly of the nature of the military occupations. We cannot expect established usages and a systematic land revenue policy to continue in such times of stress and turmoil. So, the land revenue exactions made by those immediately preceding Governments to East India Company (i.e., as those of Hyderali) should never be taken as established warm or lawful rents. We must interpret established rent in the light of

the customary law and usage which must be presumed to be based on the Dharma Sastras and practices under Hindu rulers, i. e., from $1/12$ to $1/8$ or $1/6$ of the net produce. This position under Hindu rule is also admitted by the Government of Madras. (Vide: standing information of the Madras Presidency.)

We will look at the question from another point of view. Even supposing that half the produce is the lawful rent prevailing in the country there is no reason why it ought not to be changed if it is not fair and equitable. When rents were levied in kind and cultivation expenses were far less, when standards of living were lower there may at least be some pretext for assuming half the net produce as the lawful rent. But under changed conditions to-day, when rents are levied in cash and cash rents vary with prices and prices depend on world conditions including currency manipulation, half the produce principle works the greatest hardship. When in the neighbouring ryotwari areas even the Government of Madras are proposing to abandon their periodical percentage enhancements (i. e. once in 30 years) to adopt a graduated tax system the half the produce theory must look to be at least out of fashion and antedated

even from the view of its sponsors. Even principles of modern taxation as propounded by the authorities from Alston to Josiah Stamp are opposed to this half the net not to speak of gross produce-principle. Even the Curzon Government laid it as only maximum demand which according to them they levied far less. From all this it follows that the state can now attempt the whole thing with a clean slate. And the Government of India Act of 1935 gives the present Government ample scope to fix a fair and equitable rent. It therefore behoves the Government to introduce the ability principle into the Zamindari rent assessment to be consistent with their land revenue policy and to uplift the depressed and oppressed ryots, to whose welfare the State is committed and which duty they have certainly not abandoned even under the permanent settlement. In fact, even the zamindar has the positive duty of seeing that the rent he levies is not oppressive to the ryots under article 12 of the sanad. Further, the authors of the permanent settlement, and the Board of Revenue themselves have expressed in unequivocal terms from time to time that there should be no difference in policy between the ryotwari and zamindari areas in the matter. The

authoritative legal decisions uphold it as is shown in the previous pages. *

* F.N. "In essence there is no difference between a ryot holding lands in a zamindari village and one holding lands in a Government village." (Sir Thomas Munro).

"The origin of the zamindar's office was comparatively a modern one and whatever its origin, the zamindars derive their rights from the state which could not confer more than it has possessed and exercised." (The Board of Revenue's considered opinion as recorded after full enquiry on the matter in its proceeding No. 7843 dated 2-12-1864.)

"In a zamindari the Rajabhagam which the state is entitled to collect from the ryots represents the traditional Government's share of the produce of the land, which if there is no zamindari, would be collected by the Government direct." (65 M. L. J. 425 at page 442.)

"There is no doubt that the theory of revenue administration held by the Government was what the zamindar in a permanently settled Estate had a right to collect from the

unjust contracts. So the presumption in the Estates Land Act that the existing rent is fair and equitable should be set aside. The whole question must be attempted with a clean mind. As it is laid down in some decisions and in many despatches of the Government also, a lawful rent is that which is not opposed to the principles and established practices in this country, but it varied according to each locality. During the Hindu rule the rules the rates of the Dharma Sastras prevailed. Even during the time of the Mogal regime, the traditions of the Hindu rule were respected by some rulers. But ever since the Mogal Throne at Delhi became weak, South India lost the benefits of peace and order. The rule of the Maharattas or that of Hyder Ali and other rulers so far as Madras Presidency is concerned, were admittedly of the nature of the military occupations. We cannot expect established usages and a systematic land revenue policy to continue in such times of stress and turmoil. So, the land revenue exactions made by those immediately preceding Governments to East India Company (i.e., as those of Hyderali) should never be taken as established warm or lawful rents. We must interpret established rent in the light of

the customary law and usage which must be presumed to be based on the Dharma Sastras and practices under Hindu rulers, i. e., from $1/12$ to $1/8$ or $1/6$ of the net produce. This position under Hindu rule is also admitted by the Government of Madras. (Vide: standing information of the Madras Presidency.)

We will look at the question from another point of view. Even supposing that half the produce is the lawful rent prevailing in the country there is no reason why it ought not to be changed if it is not fair and equitable. When rents were levied in kind and cultivation expenses were far less, when standards of living were lower there may at least be some pretext for assuming half the net produce as the lawful rent. But under changed conditions to-day, when rents are levied in cash and cash rents vary with prices and prices depend on world conditions including currency manipulation, half the produce principle works the greatest hardship. When in the neighbouring ryotwari areas even the Government of Madras are proposing to abandon their periodical percentage enhancements (i. e. once in 30 years) to adopt a graduated tax system the half the produce theory must look to be at least out of fashion and antedated

even from the view of its sponsors. Even principles of modern taxation as propounded by the authorities from Alston to Josiah Stamp are opposed to this half the net not to speak of gross produce-principle. Even the Curzon Government laid it as only maximum demand which according to them they levied far less. From all this it follows that the state can now attempt the whole thing with a clean slate. And the Government of India Act of 1935 gives the present Government ample scope to fix a fair and equitable rent. It therefore behoves the Government to introduce the ability principle into the Zamindari rent assessment to be consistent with their land revenue policy and to uplift the depressed and oppressed ryots, to whose welfare the State is committed and which duty they have certainly not abandoned even under the permanent settlement. In fact, even the zamindar has the positive duty of seeing that the rent he levies is not oppressive to the ryots under article 12 of the sanad. Further, the authors of the permanent settlement, and the Board of Revenue themselves have expressed in unequivocal terms from time to time that there should be no difference in policy between the ryotwari and zamindari areas in the matter. The

authoritative legal decisions uphold it as is shown in the previous pages. *

* F.N. "In essence there is no difference between a ryot holding lands in a zamindari village and one holding lands in a Government village." (Sir Thomas Munro).

"The origin of the zamindar's office was comparatively a modern one and whatever its origin, the zamindars derive their rights from the state which could not confer more than it has possessed and exercised." (The Board of Revenue's considered opinion as recorded after full enquiry on the matter in its proceeding No. 7843 dated 2-12-1864.)

"In a zamindari the Rajabhagam which the state is entitled to collect from the ryots represents the traditional Government's share of the produce of the land, which if there is no zamindari, would be collected by the Government direct." (65 M. L. J. 425 at page 442.)

"There is no doubt that the theory of revenue administration held by the Government was what the zamindar in a permanently settled Estate had a right to collect from the

Under these circumstances it must be held that the present zamindari rents are neither lawful, nor fair and equitable. *

* ryot was the Rajabhagam of the Government's share of the produce of the land. The right of the Government which is recognised in the act to interfere and settle the amount of Rajabhagam when the lawful rate of rent fixed by contract decree or otherwise is not fair or equitable depends ultimately on the theory, that it is proper for the Government to see that the zamindar gets from the ryot the fair and equitable rajabhagam not more and no less." (Justice Reilly in 63 M. L. J. 450 at page 485.)

"The zamindar is no more in law than an assignee of public revenues. (Mr. Forbs.)

It is clear from this that the zamindari ryot stands on the same legal footing as the Government Ryot. The agency for collection alone is different.

HISTORY OF RACK RENTING.

In Estates.

The rule of the East Indian Company disorganised the village autonomy of India. They did not recognise the village community or their autonomy to fix and collect the annual state revenue from the village land. But the previous rent-collectors and auction bidders and others were made responsible for state revenue. It was a death blow to the village Panchayat system. These zamindars in their turn used to lease these estates to rentiers or to izardars at the highest rates who in their turn used to 'Pillage the villagers' by squeezing the ryot's last drop of blood. The ability or consent of the cultivating community of the village was not a question for their consideration. The source of the varied exactions of the Pettandars, Izaradars, zamindars and above all the state all sitting one over the other was the poor tiller of the soil. In the western estates like Venkatagiri, and the eastern estates it is under this Izara or Mustadari systems that rents were first raised to a high pitch soon after the permanent settlement. This is the first effective method in raising rents in those days. In estates where

the zamindar dealt with the ryots directly, every renewal of the lease resulted in increased rents. In the villages of our enquiry, every such renewal meant an enhancement of at least four annas in the rupee. Appendices Nos. II & III will show how the village rent rolls standing at a low level were raised to two, three or even four times within intervals of fifteen to twenty-five years. A considerable portion of this rise constitutes the income on the seri lands, unjust levy on dry garden crops under "MULUM" "ZARIB" and "THOTA". A factor in the rise of rentals is commutation, a major portion of the rise in many estates being from these. Some estates commuted their grain rents into cash, even long before the Estates Land Act. And many did so just before or soon after the Act. The price lists given by the zamindars could not be questioned by the poor ryots. As is the case in Bobbili and other Estates the ryots' side was not at all represented in the commutation affair, and the officers generally accepted the rates furnished by the zamindars which were very high. Not only this. Before this commutation is being done, no impartial enquiry was conducted

as to what was the lawful rate or the established rate of the place. Only the paper rents including several admittedly illegal exactions (like 'garsī mamool', 'sadāl war', 'madirī kasavu' and others) being converted into money simply. In fact we got evidence that in some estates the nominal rents in the leases were higher while real rents were far lower. But during commutation the produce value as laid in these paper leases only was commuted and there was nobody on the ryot's side to represent the matter in a large number of estates. The plea of survey excess under what is called private survey constituted a considerable portion of these enhancements.

There are hundreds of villages the rent roll of which was even enhanced to more than 100% in the name of survey excess while the boundaries of the fields are the same.

In a few estates where the waste lands were brought into cultivation by the ryots and at their labour and expence, rates higher than the patta rates were levied. Similarly what are called "markas" and "Gograsams" in the pattas of eastern zamindaries are lands held in the patta land for grazing cattle in pursuance of the apurtenant rights of the

ryots. The "ganimas in Sullurpet Division" of Venkatagiri are also similar areas. The recent policy to levy cultivation rates even on these lauds is another cause for rise of rents in the Eastern and some Western zamindari. Again there are estates which recently classified the irrigation works as major and minor and raised the rents under the so-called major works, while in fact the supply under both classes is equally precarious. (Vide Bobibli and Saloor leases.) Again contrary to the usage second crop rates were also introduced in all the major zamindari. Above all come in the cropwari rates and the so-called 'Tarams.'

Added to these are the new sources of income by the occupation of Tankbeds communal lands and levy of rates on common pastures and forests, as also on quarries. (Sand from river beds and earth from tanks is also charged in some estates). The opening of the seri land is another source of income. It is now a fat source in some estates. Thus the total rise of the village rent roll represents these two categories.

As such a major portion of the huge rise

in the income of the Estates both on the village rent rolls and on the individual patta constitutes unjust and unwarranted enhancements of usual rents ; levies and exactions mentioned above.

Meanwhile the Estate Land Act of 1908 has come. Though it has removed enhancements by contract in future, it has yet confirmed the existing high rents and allowed further enhancements by suit and other operations if not by contract. Thus the old reign of enhancements still continues though under cover of law. In the view of the peasant, who was neither a willing party under the old contract system nor has the ability to vindicate the injustice of the zamindar's claim before the suits' Deputy Collector or the Settlement Officer, under the Estates Land Act these provisions of commutation, enhancement and settlement are only velvet covers with a legal glitter, to the same old paw of enhancements. In the name of commutation under the Act the paper rents, standing in the name of the peasant with all their additional exactions in the name of mamools were commuted into money value without going into the question whether the ryots were willing parties to

the so-called rents or whether these rents are based on the ability of the ryots to pay.

Then again in the name of rise of prices under Section 30 the zamindar could obtain a decree for enhancement up to As. 2/- in the rupee from the court of the Suits Deputy Collector by merely filing a price list from Taluq office. Heretofore the law does not expressly lay on the zamindar to show that the defendant ryots are substantially benefitted by the said rise in prices. When the majority of tenants of these parts are small holders, not being able even to meet their bare needs of life after meeting the cost of cultivation and high rents from the produce of the land, what does it matter to them if prices of produce rise? Is there greater injustice done to the ryot than this theoretical calculation on paper? On the other hand if prices fall the tenants are adversely effected as they have to sell more produce for meeting rents or borrow more. While the spirit of the act is that these enhancements must be made only on the value of the real customary rent, in result they are enhancing the already enhanced rates made previously in so many ways. In this way i. e., on the strength of the so-called pricelists, estates

like Vizainagaram, Pithapuram, Kapileswarapuram, Jaggampet & Kirlampudi not to speak of hundreds of petty zamindaries filed enhancement suits from 1928 up to last year and many estates have collected or are collecting the decreed enhancements with retrospective effect and costs. In some estates these costs come up to several thousands of rupees per village.

Again under the settlement provisions (i. e. chapter XI) of the Estate Land Act also, the door for enhancement is open. To-day it is open even for indiscriminate enhancement. Over-riding their senior members' decision. The Reveue Board recently held in regard to Parlakimidi settlement that in the process of settlement of rents under the settlement provisions of the Estates Land Act enhancement can be granted by the officer without limit. It is very startling. This settlement was made on the basis of the prices of the ten predepression years and the ryots are asked to pay such high rents in depression years.

So even under the estates Land Act in the name of commutation, enhancement and settlement the old order is blessed and continued, though under some limitations. The ability

of the ryot and the productive capacity of the land are not the chief considerations in fixing rent or ordering enhancement even under the present Act. The judges and officers being revenue officials bread up till yesterday in the traditions of "revenue at any cost", this is all the more possible.

The wonder is these enhancements are granted to the zamindar against the ryot by the same deputy collector over and above a rate which is already twice or thrice higher than the neighbouring ryotwari rate, while this very Deputy Collector with the same hand and at the same time is granting a remission of As. 2/- in the rupee to the ryotwari ryot, whose rates though lower than those in zamindari areas are felt by Government themselves to be more burdensome in these years of depression.

At this stage the economic depression together with cyclones and crop failures came in. We have information to show that the zamindari ryot has suffered more even by these especially for want of relief measures. The present rents prove more heavier, and by the fall of prices the rents have consumed

double the produce value than before. We hope the picture is completely presented now. In Appendix II a list of rates of rent together with the neighbouring Government rents are given. In Appendix III a comparative statement of village dowsls standing in the earlier years of permanent settlement and those in recent years are given. They show that the wet rates in those zamindari areas are at least three times higher, and the rent rolls have increased from 100 to 400 per cent. within a period of fifty or sixty years. There are cases where they are still higher.

If these higher rents are considered in connection with the existing precarious conditions of irrigation works in zamindaries they will prove all the more unberable-

The dry rates in zamindaries also are more than higher than 100 % the Ryotwari rates in many Estates.

Under the circumstances what ever may be the divergence in conditions and methods employed in each Estate it is clear that almost all the Estates have taken to a process of enhancement from 1802 to 1908 by arbitrary and coercive methods and the process can now be

continued even under the present Act though on a different footing and under limitation.

Now the main plea of the zamindars in this enquiry is that the present money rates represent the increased value of their old warm rates and nothing more. In the light of the above facts this plea falls to the ground. Could any body say that a rate which is three or four times higher than the settlement rate on similar soil--or even superior--in the Government area represents the increased money value of the old warm rate of the zamindari? As shown above many additions and exactions have swelled these warm rates and they were commuted into money value at the prices quoted by the Estate. We are convinced on evidence that at any rate this is what happened in a large number of Estates.

If at all there is any just cause for this rise of the existing rent roll as also for the rise in the patta rents it must be by a reclamation of the waste lands in the village by the zamindar are by improvements affected by him to land or irrigation works. Throughout our enquiry we tried to find such sources of rise for the village rent roll. We must confess we sadly failed to find any such cases worth

mentioning. On the other hand we have evidence to show that in a considerable number of Estates, ryoti land especially bought-in-land is being converted into Seri land, as also communal land including tank beds. It is thus clear that either the method of renting or rents or enhancement of rents are not based on any system or principle. Greed to exact as much as they could, from the zamindar down to the village penthandars, is the only rule from 1802 to 1908. The Estate Land Act while confirming these high rents further allows this process of enhancement under the existing provision for commutation, rent enhancement suits and settlement.*

F.N.* While providing clear procedure for the enforcement of the zamindar's rights the regulations subsequent to permanent Settlement failed to provide so, for the ryots' rights. Even those provisions providing against arbitrary enhancements or evictions in the later regulations or the provision for ascertaining "what is an established warm" (as laid in section 9 of regulation 25) became a dead letter as far as the ryot is concerned. But taking advantage of private contract given by the regulations in regard to rents, the zamindars were

RENTING. HOW OLD STANDARDS AND METHODS ARE BEING EXPLOITED FOR ENHANCEMENTS AND EXACTIONS.

The original basis of rent in the Estates of Ganjam and Vizagpatam is generally the 'Garsi' which is equal to sixteen bags (i. e. of 166 lbs. of each). Irrespective of any measurement of land a plot of land yielding one garsi was taken as the basis for rent. In the central zamindaries from East Godavari up to Kistna the 'Putties, Pandums' etc., were the basis. Here that land capable of being sown with a putti of grain is the basis.

*coercing the ryots to agree to enhancements. The so-called Muchilakas are the proof of it. The ignorance, poverty and dependence of the ryot on the zamindar, the superior position, social status, the political importance of the zamindar to the Government of the day were responsible for this. These were also periods of severe famine and draught. The Annciut system was not yet begun.

To add to these difficulties of the zamindari tenants the judges of the highest tribunals appointed by the early British Indian

In some other Kistna zamindaries what is called 'Kathies' and 'Firas' is the basis. In the Nellore District zamindaries like Venkatagiri, 'Gorru' is the basis. Here the ploughing capacity of the ryot is the standard, one gorru being roughly equal to Ac. 3-12 cents. In the Chittore District what are called 'Guntas' is the basis for renting, the rough conversion rate being.....15 guntas to 1 Ac. These are the standards generally followed in those days for renting in the respective areas mentioned. By this we can

*Constitution approached the questions arising between the zamindars and their ryots from the stand-point of the relations between landlord and tenant in England with which they were familiar and in the traditions of which they were steeped. While the Indian revenue and judicial officers who were familiar with the system of land tenures in zamindaries knew that a patta or muchilika was no more than a memorandum of the extent of land held under cultivation, the rent payable thereon and other terms relating to the year for which the patta or muchilika was exchanged, the English judges of the Madras High Court considered that the acceptance of an yearly patta

infer that land or its actual extent is not the basis for the levy in those days. Rent was based either on the yield, the sowing capacity or the ploughing capacity of the ryot. It is also natural under those conditions of agriculture when water supply was precarious, boundaries were indefinite to base assessment either on the out turn, ploughing ability or sowing capacity of the producer. Gradually this basis was converted into rough acreage by the Estates on the plea of convenience as rough conversion rates as shown above. Later on clauses were introduced into the

*by a ryot in a zamindari indicated that the pattadar was an yearly tenant and no more. In the famous Chockalingam Pillai's case (VI Madras High Court Reports, pp. 164), Scotland C. J. Holloway J. two eminent British Judges gave a judgment which had serious reactions on the tenancy in zamindaries. It may be that the subordinate courts which had to interpret that judgment, had read more into it than was really intended to be laid down by the learned judges, but the zamindars undoubtedly did their best to press that judgment into their service to establish rights to evict the tenants upon the strength of the conditions which

Muchilakas that the ryots would be liable to pay for the survey excess. We have examined a number of earlier Muchilakas wherein this clause providing for survey excess (i. e. due to chain survey) is not to be found and these are only later additions contrary to old arrangements which are therefore not valid.

Similarly in the place of the old village community the Mustadar or Izaradar has come in. The Estates soon after permanent settlement introduced the system of leasing rental value of the whole village to an individual who used to add something more to the

*they got inserted in the pattas and muchilikas that the ryot would quit the holding at the end of the period. Such condition was said to have the force of a binding contract between the parties, giving absolute rights to the zamindar to put an end to the tenancy at the end of the fasli to which a patta related, unless the ryot was able to establish general custom or positive law which had the effect of overriding the condition of the patta or muchilika. The zamindars in the Andhra districts became particularly active in this direction and had recourse to standard printed

village demand as his profit. Whenever the Estate used to change hands, generally once in five years, of this Mustadar (as he is called in the Vizagapattam zamindaries) it was not without a further increase in the village rent role. The new comer has again to increase this increased demand at least by As. 4/- more in the rupee for his profit. In

*forms of pattas and muchilikas for use in their zamindaries (vide judgment of Sir John Wallice, C. J. in 39 Mad. 341 at page 345) Though the conditions in the muchilikas were not frequently used to actually evict the ryots from the holdings, they were used as a lever to force up rents on pain of eviction. The recent level of rents in the zamindaries in the Andhra districts depends partly upon the use which the zamindars made of the decision in Chockalingam Pillai's case and of the conditions in the pattas and muchilikas which were inserted after that case. To use the language of Mr. Forbes "To protect the millions of Tenants from the horrors of arbitrary eviction and against the oppression of rack-renting, some measure was felt necessary." This led to the Estates Land Bill.

the Saloor Estate it was pointed out before us that within 15 years by which time 4 Mustadars changed hands the village rent roll was raised by 100 per cent. Almost similar are the conditions in Estates like Venkatagiri under the Izara system.

Further it is under these systems for the first time that a part of the patta land was separated as the personal land of the Mustadar, without corresponding reduction of rent and the tenant to whom this appropriated land is given would naturally have to pay the rent for it. This also resulted in the enhancement of the village dowl. When the Mustadar was ousted it naturally went into the hands of the zamindar. In the Eastern zamindariies at any rate this seems to be the origin of the seri land.

...
This study in its historical perspective would show how the original rent system based on the ability and capacity of the ryot of the day was gradually changed to suit ways of rent enhancement.

Secondly, it shows how the collective spirit of the village had to yield to individualistic profit motive in the name of Mustadary

who for his personal ends has to naturally destroy the village morale. Apart from arbitrary enhancement of rentals the moral effects of this system on the village are baneful. The ryot, cattle, cultivation and even the village are matters to be treated as chattel for the personal profit of a third party, the zamindar entrusting his sacred responsibility towards the welfare of the poor, ignorant and dumb peasant of the day into the hands of this profit maker.

Wet rents — in kind :— Kind rents are prevalent even now on considerable areas under wet cultivation in many Estates. The sharing in all zamindari is not half to half. It is raised to even $\frac{2}{3}$ in some Estates. In the Mudugala agency it is stated that $\frac{2}{3}$ of what the Hill-men produce including some valuable spices is taken by the zamindar. Over and above the rent some Mamuls must be paid. Garsi Mamul used to be collected in Estates like Urlam and Bobbili and they are all consolidated in the present rent. Watching fees are collected in every Estate. Mazumdari, Vetti, Charity and Horse mamul in estates like Gangole in East Godavari and Talayari and Vetti mamul and Mahasoldari are to be paid from the share of the

ryot. The commuted money value of these comes to ~~Rs~~ 50/- per acre in some places.

In the Chittore zamindaries like Karveti-nagar and Tiruthani rents are levied both in cash and kind. Over and above these mamools like 'Sadalvar' 'Madari Kasuvu' and 'Nagari' are collected. During the times of collections the grain rent of the Estate due from the ryot is valued at the market rates in the towns without deducting for cartage or Merchant's profits, and money payment is demanded accordingly by the estate. The ryots complain that they are higher figures than the actual prices and they have no option to challenge the prices quoted by the Estate's Officials, who according to them quote only the higher prices obtaining at a particular period and place. This is called the "Niruku" way of calculations there. A study of these valuations gives that the consolidated value of the rent and its other additions is no where less than ~~Rs~~ 18/- per acre while it ranges up to ~~Rs~~ 59/- also in some places. A fairly large area belongs to a rate of Rs. 39/- per acre. Even for black paddy it comes to Rs. 36/- (as can be seen from the Dittam of Tharimchedu village of Thiruthani Division) while the

neighbouring Government rate of some of these villages on similar soils is from Rs. 3-8-0 to Rs. 7/- only. In parts like Urmadu Jamin of Tirnalvelly District it is stated that this commuted rent comes up to the startling figure of Rs. 108-10-0 per acre of wet land.

There is still the system of rent collection by crop appraisement in some estates in the Vizagapatam District. The difficulties of the ryots under the same are stated in pages under rent collection.

Tarams :— In the Chittor and Nellore zamindaries and Arni Jagir and other estates, those rents are said to be collected according to Taram. After a close examination of these so-called Tarams, we understand that these Tarams are only nicknames borrowed from Government revenue policy. They are not based on any classification of soils or sources. In some places under one and the same patta also, we noted the difference in rates on lands of similar conditions. An examination of the "Teerwa Dittams" of some Chittoor estates show high rates for

lower tarams and low rates for higher tarams. Then there are cases where all the so called taram rates were raised to the highest taram at the caprice of the zamindar, and when enhancement was made, a flat rate was applied to all this land equally. These remarks apply both to kind and cash rents. So these tarams if at all they are tarams they may be called "Man wari" tarams i. e., being fixed according to the "stiffness" or "softness" of the ryot paying them. The rates of "pettanadars" 'Naidus' and relations of zamindars were lower than other pattadars in the village. There are cases as in Kanna Mangalam of Arni where the rate under a Mana-wari tank and a spring channel is the same, i. e., Rs. 11-4-0 per acre.

Wet rents in cash:— Wet rents are collected for lands without guaranteeing water supply, Wet rents are collected for lands which have not the least chance of getting water supply even today as they are situated now. These two charges are made against the zamindari administration univereally, and we have materials to substantiate the charges. There are cases where wet rates are collected on lands under such tanks as were defunct 30

years back. Another variant under this head is that lands which were cultivated by collecting rain water in the field of the ryot are charged with wet rates. Again, there are cases where wet rates were charged on lands cultivated with the help of drainage surplus water coming from higher tenements to the ryots' low-lying lands, rendering the latter unfit for dry cultivation. The law is clear on this point, i. e., that such water cannot be charged.

Averages taken from low and high rates (prevailing in considerable areas) of 93 and 67 typical villages respectively, belonging to almost all the important Zamindaris and some petty zamindaris of these 7 districts will show that the average low rate is Rs. 14-4-2 and the average high rate is Rs. 24-8-0 per acre. The lowest rate is not less than Rs. 12/- in these estates, the maximum is up to Rs. 59/- on mere paddy growing land. Mere "Manavari" lands bear rates from Rs. 8/- to Rs. 14/- in many places.

The Kristna-Godavari delta area is supposed to contain valuable soils with superior irrigation sources maintained by the Government. A comparison of the above

rates with the average low and high rates of the delta wet is not out of place here. Our calculations will show that low wet rate is ~~Rs~~ 5/- and the high wet rate is not more than ~~Rs~~ 8/- per acre. These are after resettlement rates were applied. Compared with these rates obtaining on lands with superior irrigation sources, remission facilities and without the troubles of private survey and joint patta the above zamindari average rate of the villages under our enquiry with precarious water sources (many of them being under Manavari tanks), absence of remission facilities, ambiguous system of survey and insecure joint patta system, it is beyond any doubt clear that the whole zamindari rating is a crushing burden to the peasants. It must further be noted that even these rates of the deltaic areas were held to be burdensome to the ryots and for the reduction of which serious agitation rose up. Consequently Government have now to practically cancel the resettlement enhancements therefrom. Even though we cannot admit the correctness of the figures given regarding the area and rates of rent by the Estates, before the parliamentary enquiry committee yet even the average wet rates given by some of these Estates like Bobbili and Venkatagiri, during

their evidence, which are Rs 12/- per acre for Bobbili and about Rs 11/- for Venkatagiri, having at least inferior supply to that of the Godavari Delta are admittedly higher than the said delta average. (For the data of this delta average, ref: to Holdsworth Report on Kistna, Godavari re-settlement, dated 6-9-26 at page 159 in Appendices 16).

Garden crops on dry lands :—Another common and perhaps the most unjust levy is the charging of water rates for lands cultivated with dry garden crops under wells dug and maintained by the ryots themselves at their own cost. These are called 'Mulum' in the Nellore and Chittoor Districts and 'Zarib' in Kistna and West Godavari Districts, and Garden Lands in the eastern districts. This complaint is universal. Of course, here and there like the ryots of Alluru in Venkatagiri, and ryots of Bachavarappadu in Mirzapur, fought this levy in courts of law amongst others and it was held that these are "capricious levies" and "unauthorised enhancements". But in some estates these levies are being collected in spite of these judgments, and in others those who went to

courts alone were relieved of these burdens; while from other ryots who could not go these unjust levies are being collected. The ryots have to suffer because of their contesting inability. These rates range from Rs. 10/- up to a maximum of Rs. 40/-. The magnitude of this injustice can be well appreciated by the fact that the cost of a well in the hilly tracts of (Munagapuram of Venkatagiri) amounts to even Rs. 2500/- to the ryot and no where it is less than Rs. 800/-. Under these circumstances it is a sin to dig or maintain a well in a zamindari land and improve cultivation. This sort of levy is a flagrant violation of the right of ryots to the proprietorship of the soil. It seems as though it is in the hands of the zamindar to dictate as to what crops the ryot ought to raise and as to what he should pay. On what law and equity the zamindar is justified to collect *zarib* and *mulum* rates which according to our estimates amounts to not less than one-third of the total rent roll of the zamindari of these parts? Wet rates are collected on such lands even sprinkled with water got in pots, from Rs 3/- to Rs 5/- in places like Pelluru and others.

Second crop :— In some estates they say that land is registered under single crop.

Such land if cultivated with second crop will be subjected to full first crop rates. In fact, the water capacity in the tank or channel is hardly sufficient even for the first crop. Even with regard to the so-called double crop lands, the second crop rate is not everywhere half the first crop rate. It is three-fourth also in some places. In some villages of Venkatagiri (i. e., Pelluru Division) irrespective of yield, second crop rate is charged on sprouts coming out from the stubbles of first crop which are of course preserved by the ryot. Manurial and fodder crops also are charged at wet rates as obtaining in Estates like Urlam and Venkatagiri.

Cropwari rates :— In the Venkatagiri Estate, if the ryot does not raise vermillion once in every three years, he has to pay the stipulated rate for vermillion irrespective of the fact whether he grows it or not; it is a recent innovation in the muchilaka. This is called the 'Kasuri' system in Venkatagiri. The wonder is, the Estate defends this stating that it is there to induce ryots to raise valuable crops.

Cropwari rates are very recent introductions and are very common in Chittoor and

Nellors Zamindaris, and are also in practice in Kistna and Godavari Zamindaris like Pithapuram. There are cropwari rates not only in wet lands but also in dry lands,

By this, all incentive is denied to the peasant to improve the land and increase crop value. It is the zarib or Mulum levy together with cropwari rates that is considerably responsible for the crushing rent burden of the zamin ryot, and in depriving him of all initiative and incentive for self betterment. In the Karvtinagar Estate to-day in the name of Betel ~~Rs~~ 70/- is charged. There are lands bearing even ~~Rs~~ 80/- (i. e. Inuganti village of Venkatagiri.)

In Karvetinagar Estate even for Ragi and Chollam the rates are up to ~~Rs~~ 25/- per acre. In Punganur we learn that three fasli rate is collected for sugar cane. Similarly for Termeric, 'Davanam', ground-nut, Korra, or 'Sajja' there are cropwari rates which are very high in some places, The prices of all these crops including sugar cane have fallen by 100% during the depression and these rates to-day prove all the more burdensome.

Dry rates :— The dry rates are from two to three times higher than ryotwari rates in

many estates. In the Darsi division of Nellore, where the soil is hilly and calcareous being the hardest for the plough and will only yield a crop under exceptionlly rainy years, there is rent from ~~Rs~~ 2/- to ~~Rs~~ 4/- per acre. The neighbouring Government rate on similar soil is from five annas to eight annas an acre. In the Bobbili Estate it is up to ~~Rs~~ 9/-. In some petty Zamindaries it is up to ~~Rs~~ 12/- the neighbouring Government rate being about ~~Rs~~ 4-8-0. In some estates, even if a wet crop is attempted on dry fields only with the help of rain water collected (Varakattu) ~~Rs~~ 5/- to ~~Rs~~ 6/- or ~~Rs~~ 8/- per acre should be paid. A study into the original leasing of dry lands at least in villages of wet cultivation reveals that originally in wet villages (i.e. having tanks or channels) all the dry lands were allowed to be used as grazing grounds or for favourable rates by the ryots having wet cultivation. In Venkatagiri Mr. Rahimtulla, the Izaradar, allowed ryots holding wet lands at rates which were complained to be burdensome to hold certain dry acreage within the same patta at ~~Rs~~ 0-8-0 for so. But the recent tendency from Bobbili to Chittoor is to bevy separate enhanced rates on these dry lands.

Some unique methods of renting:— In the Venkatagiri villages of the Darsi division conditional cultivation of inferior land at rents imposed by the zamindar as a consideration for holding better holdings, conditional cultivation of high rate land for possessing low rate land, are some of the peculiar methods for enhancing rents.

Another variant under the heading is called 'mulum rahiti' zerayat. This is a dry land classified by the estate as being capable of prospective garden cultivation (mulum). Though the present land bears a very low dry rate, in view of the prospective rise in income the cess is calculated and collected on the basis of the garden rate from to-day. In the eastern zamindaris the usage has been that every patta includes in addition to the dry and wet cultivated land some area called 'meraka' or 'Gograsam.' The whole patta rate includes these lands also. Recently these lands also are charged with cultivation rates treating them as patta excess. Veasabadi rate being levied on the pullary land the ryot has no alternative except to convert it into cultivation. Thus not only the patta rent is enhanced but also the cattle-grazing suffers.

The same usage is to be seen even in West and East Godavaries in the name of Pullary and Veesabadi heads. Here also subsequent to Estate (Land Act the zamindars levied the Veesabadi rates (rates for cultivated land) on pullary land (land set apart for grazing,) for giving rest to the soil to regain fertility).

The following special grievances brought to our notice with regard to certain modes of rent levy and collection which are unjust from their very face, in the estates, mentioned thereunder, will further prove the necessity for a scientific re-modelling of the zamindari rent system:—

Water tax over and above wet rates:— In the Pithapuram Estate, additional water tax is charged for lands which were already assessed with wet rates.

Localisation powers abused:— In the Yellamanchili estate of West Godavary, the zamindar taking advantage of the power of localisation given to him by Government subsequent to the Godavari anicut system, himself levies water rate on lands which were pre-anicut mamool wet lands. This land

forms a considerable area.

Two land lords collecting two sets of rent: In the Kistna District we note that the two zamindars of Mirjapur and Lakshmi Narasapuram collect two sets of rents for the same land (both being wet rates).

Government and zamindar collecting rent on the same Inams:— Government collect quit rent and zamindars collect rent on pre-settlement Inams in Gampalagudem estate. This is an area to the extent of about 3000 acres. The Government enfranchised these inams in 1908. The zamindar filed suits against this (which according to the ryots are time-barred, being filed one year after the said enfranchisement). The zamindar obtained judgment that he has a right to resume the same (i. e., to levy rent) in the two lower courts. The Government alone went to the High court. The inamdars thinking that they can pay their dues to the party winning in the appeal, and being unable to meet the cost and worry did not prefer the second appeal. The high court held that these are pre-settlement service inams and there is no objection for the Government levying quit rent. It seems they refused to decide anything as regards to the inamdars as they have not

appealed. Taking advantage of this peculiar position the zamindars collect rent on the strength of the lower courts judgment while the government collect quit rent on the strength of the high court's judgment. We learn that this sort of collection is made in some other zamindari of Kistna District.

Enhancements of rates on inams:—In some estates the rates on inams were raised. The inamdars who could contest this levy in courts have won and saved themselves from the liability. But we learn that those who could not do so are still paying them. Some Venkatagiri villages are a concrete instance in the matter.

RENTING IN AGENCY TRACTS.

In the agency tracts under our enquiry, i. e. East Godavary, Chintalapudi Madugala and Parlakimidi, and others, two methods of cultivation prevail, the 'podu' and 'aru' cultivation. Podu cultivation is the cultivation of forest land without resort to the plough, the clod being generally removed by the sickle after jungle clearance. 'Eru' cultivation is the cultivation of jungle cleared land with

the plough. The previous practice in regard to the renting of forest lands has been that every hillman or ryot is allowed to clear as much jungle area as he can. A block rate for each such jungle cleared land was levied which ranged from Re. 1/- to ~~Rs~~ 2/-. The same is being done in Chintalapudi. In some places the rate for all the land which one plough can cultivate was ~~Rs~~ 4/-. Now contrary to this, acrewari rate is being demanded and that too at higher rates, partiality being shown between villages even in this. In estates like Salur, the hill tribes are induced to clear jungles on the promise of granting pattas, but when the process has been complete, the poor hill tribes are ejected and lands are leased out at high rates to some others. The Madugal Hill tribes state that they are even prohibited from jungle clearance and podu cultivation which was their birth right. This is admitted by the estate. They defend this on the plea of damage to the Sarada river-catchment. But is the river or its catchment are things of to-day? Were not the thousands of hill tribe families cultivating their podu from thousands of years without complaint? They have shown that if they so attempt compounds were levied from ~~Rs~~ 15/- to ~~Rs~~ 40/- even per acre. In the

Makku Mutha of Salur it has been brought to our notice that hundreds of acres of land, which was jungle cleared and brought under cultivation by the honest sweat of the jungle tribes, were leased out to Anglo-Indian, coming from calcutta. Ac, 600 (being actually given to ryots for a rent of ~~Rs~~ 60/-), Ac. 15', of the jungle cleared land by ryots was similarly dealt with by the North Mylavaram and Telaprole Estates.

The rating in many of these forest areas is based neither on a share nor system as reported by the Madugal Hill tribes. They even take 2/3 of the gross produce yielding from the cultivation of the jungle men in addition to so many exactions eggs, hens, goats and others. (vide: Appendix).

ABSENCE OF GOVERNMENT SURVEY AND PRESENCE OF PRIVATE SURVEY

This is also a very common grievance in all the Estates. Only a few estates predominantly those which were or are under the court of wards, were surveyed. Even in some of those which are thus surveyed under the Act, record of rights and settlement of rent is not effected. In all the other estates, what

the zamindar calls survey is his private survey done without the knowledge of the ryots in order to show a paper increase in the area and thus demand higher rent on this plea also. All the leases containing a stipulation that rents shall be enhanced with the increase in area, as a result of survey are recent innovation and against the will of the ryots. None can conceive of such a stipulation in olden times as shown in the previous pages, because the existing system of renting was either on a plough or fieldwari basis produce or seed basis. A close examination of leases like that of Bobbili shows that this stipulation is not thought of in old leases. (vide: the Board of Revenue order in Adavaram settlement, No. 1066 Mis. D/2/4/37. It is further interesting to note that in leases like those of Chennampalli (Chittoor District) it is laid down that 'land shall be measured according to the customs of the village'.

Private survey is made in a fairly good number of estates and enhancements were forced upon the ryots on the plea of survey excess which even under the present law are illegal exactions. In some villages of Salur under the name of the so-called survey excess

rents were raised even by fifty per cent. Survey excess was separately charged by marking the area by a sub-division letter. In Mudugala estate and in the village of Jarjange also it is the same. As in Kasinkottah, in the name of the survey excess, rates over service inams were raised stating that in such inam zeroiti land was included. In the Kuma-rika Estate of Vizag and Guraja of Kistna among others the same thing has happened. But even in such private survey, if the area falls short of the patta extent, no reduction in rates is allowed. For example this is the case in Adavaram village of Bobbili. In that village, patta extent of 452 Acres fell down to 330 Acres on survey. But the village rent roll of Rs 1573 existing at the time of the permanent settlement has been continuously raised when it came up to Rs 8540 by 1908. It is, therefore, clear that the Government should compulsorily make a survey of the estates in order to clearly demarcate the holdings and record the inherent appurtenant and necessary rights of the fields while at the same time protecting the ryots against the false and recently imposed stipulations regarding so-called survey excess, which is only an arithmetical

difference from the change in the unit of measures.

In 1934 Section 42-(3) was amended so as to require that the old and new measurements must be in the same unit. The law still leaves the door open to litigation to the prejudice of the ryots. Therefore it should be made more clear on the strength of the facts mentioned above.

In this survey all the communal lands of the village must be demarcated as far as possible.

The costs of this survey and records of rights must not fall on ryots.

REMISSION AND SUSPENSION OF KIST.

Remission account of draught inundation or other calamity of the season is common not only under the Hindu Governments but under all pre-British Governments including Mohammeden Governments (vide: Revenue regulations of Aurangazeb published in Jadunath Sarkar's Moghal Empire). Even the Sanads under the permanent settlement reflect this old custom. The famine commissions and decentralization commission made definite recommendations in this behalf (vide paras 91 and

92 of the report of the Indian famine commission 1901). In the Estates Land Bill, drafted in 1905, which was finally passed as the Act of 1908, there was a clause dealing with remissions which was also approved by the select committee, but it dropped out as it were by a miracle latter. Section 38 of the present Madras Estates Land Act is clearly inadequate to protect the ryots. In the year 1923 Mr. Viswanath Dass Mahasaya the present premier of Orissa, obtained leave to introduce a bill to amend the Madras Estates Land Act containing a similar clause. That was also not proceeded with by the then Madras Legislature. The recent amendment of 1936 (i. e. Patnaik's Bill) for remission of rent based on a prescribed percentage of price fall is quite inadequate and is on altogether a different footing. This amendment has totally failed to give even the desired relief owing to its wrong procedure, and its refusal to take actual state of things into consideration. For instance, under this amendment let us suppose that a remission was granted in one year and in the next year even when the crop totally fails, the collector shall have to restore the full rent demand if the zamindar shows rise in prices. Generally in places of crop failure prices rise.

As the law stands at present a zamindari ryot in the absence of any specific contract with the zamindar or the local custom is disentitled to any remission or suspencion of rent even in the face of worst calamity and total failure of crops. But here too the inequality of the parties counts much. It is generally not possible for the ryot to undertake the burden and undergo the whole process even in places where such custom is found even to-day. But, wherever the ryots could show such custom before the courts like the ryots of Alluri paragana (Venkatagiri estate) decrees are granted for remission.

The present practice in every estate under our enquiry is not only to refuse remission ; but even the earnest prayers of the ryots in times of grave calamity, as it happened in the parlakimidy estate in 1935-36, to suspend the collection of rent for a short time are mercilessly refused. Here also, it must be said that the Madras Estates Land Act has completely failed to protect the just and age-long rights of the ryots. Taking advantage of the failure of the Estates Land Act in safeguarding the remission rights of the ryots, and their inability to claim it on the strength of local contracts, zamindars are not only paying deaf

ears to the requests of the ryots for remission and suspension but also are adopting a Shylockian attitude and method in the matter. The highest culmination of this we now see in certain zamindaris, where they collect rates on lands which could not be cultivated at all with wet crops, owing to the complete failure of the irrigation works, of which photographs were produced in the Rajahmundry and other centres before the enquiry committee. No doubt here and there some ryots went to the courts for a finding on the strength of local custom and for terms in leases. Though it is very difficult to obtain a judgment in view of the stringency of the law on the point yet in the few instances (like the ryots in the Alluruparagana of Venkatagiri) the ryots obtained relief. In a fairly good number of leases executed before the Act we can find the local custom by stipulating for remission in clear terms. Gradually in later leases, this clear language was converted into ambiguous expression. The latest policy is to eliminate such stipulations altogether and force the ryots to execute a patta without the said stipulation on threat of forest cases or punctual enforcement of rent collection as in some Estates. In

some estates of kistna disputes are now pending in this question.

Even in Estates where remissions were granted as of mercy, they are granted on no principle or policy. On the other hand, they are using the grant of remission as a weapon for demoralising the ryots. It has been brought to our notice by the Venkatagiri ryots that for the purpose of remissions the ryots are classified as 'Obedients' and 'Dis-obedients' and the latter who commit the sin of using their own discretion at the polls lose the so-called right even to that moiety of remission. Of the leases we came across during our enquiry, the South Vallur, Gollapalli, and other leases stipulate for remission. In the lease granted by the Bayyangudem estate, there is a clause that the zamindar shall grant remission in case wet cultivation is not possible. But it is authoritatively stated that twisting the meaning of this clause in favour of the zamindar, they are relentlessly collecting dry rates from the ryot even on the waste lying land. In the Alathoor village in the Chittoor District, when the ryots agitated for remission long ago, a remission of one-fourth of the assessment was given and from that time it seems such a rule was established; but gradually by dividing the peasantry the estate

withdrew this privilege, only confirming it to the heads of the village. Similar custom to grant remission can be found in old documents of Vizainagaram, Venkatagiri amongst other records. We have thus given some typical instances whereby the clear marks of the widely prevailing custom in some estates can be seen. Especially after the passing of the Madras Estates land Act, it must be said that grant of remission as a rule is refused in the zamindaris and wherever it is granted, it is more based on personal favour than on justice.

Proposals:—

Under these circumstances we propose that all the high rents either in kind or in cash of these estates including those on the hill-tribe areas should be reduced to the level of pre-war ryotwari rates prevailing on similar soils (without prejudice to those rates which are lower than these Government rates if any) pending a thorough remodelling of the whole land revenue system of both zamindari and ryotwari areas on a fair and equitable basis in the nearest future. All premiums must be abolished. There should be no future enhancements either on the ground of prices or in name of commutation or settlement. Sections

30 and 40 and chapter XI of Estates Land Act must be reformed on these lines.

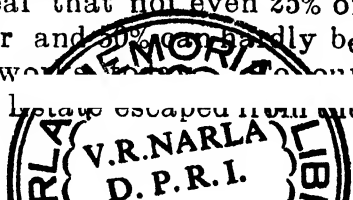
There should be compulsory survey and record of rights only in order to define boundaries and settle the ryot's extent in terms of the modern unit, which is als necessary for facilitating agricultural credit of zamindari ryot. Under no circumstances there should be increase in the rent as a result of this increase in acres so long as the boundaries of the fields are in tact. Section 43 clause 2 of the Estates Land Act requires further amendment so as to limit the right of land holder to alteration of rent only when it is shown that the ryot has encroached or added other land to his holding, the onus being laid on the zamindar. Rights of ryots for reduction of rent based on decrease of area must be respected. There should be statutory provision for remission and suspension of rents. The stringent rules of the present revenue Board in the matter should not be copied without further relaxation. The minimum loss of crop for obtaining remission should be raised to As. 4/- in the rupee.

SEC. IV.

IRRIGATION WORKS.

The irrigation works and sources capable of further improvement are of several kinds. There are the biggest tanks constructed during the Hindu and Mohammadan rule, but neglected now by the zamindars. There are again some big rivers also utilised for irrigation in the zamindaris. There are hundreds of jungle streams and nalas. There are again many irrigation channels which are off-takes from the rivers dammed by the British Government such as the anicuts of the Kistna and Godavari and the projects of Rishikulya and Vamsadhara. Another category of irrigation works is wells and ponds.

Tanks:—Some of the tanks in Zamindaris, like the Kandoor Tank in Chittoor District command even 5,000 acres, and many hundreds of tanks have, not less than 1,000 acres each. All most all these are constructed under ancient Hindu rule. An inspection of these tanks will reveal that not even 25% of them are in good order and 50% can hardly be called as irrigation works. It is a great surprise, not even one has escaped from the



complaint that irrigation work sare neglected by the zamindaris. The nature of repairs which these tanks require are :— many of these tanks have either no feeder channels or the existing feeder channels have become very narrow or closed up. Almost all the tanks especially in the western zamindariies have to depend upon rain. Even with regard to tanks having feeder channels like those in Vizag estates the main rivers from which these feeder channels off-take are wanting in masonry dams. For instance, at the parvatipuram centre, it is represented to us that for every mud dam raised at each time to the main stream, the ryots have to spend not less than Rs. 40/- and that they have to so spend for each wetting because the mud dam once raised will be washed off by the least rise of water in the river. Then again many of these tanks have no provision for escape of surplus water, as a result of which the bunds are in abreachd condition. This trouble is further aggravated by the fact that these tanks are silted up. Ryots are not allowed to dig even earth in the tanks without the permission of the zamindar or in some places even without paying some fees. By way of adding evil to the injury, portions of these tank beds are given for cultivation by

the zamindars. The tank bed cultivator in his own interests always tries to let out the precious supply of the tank by so many ways. As regards the supply of water from the tank into the fields, it is a matter of surprise that in this age of Mettur Dams and Sakkur Barrages, the ryots in some zamindari areas have to cut breaches to bunds and take water to the fields. So there are no sluices regulating water supply. After every such cutting, the ryots will have to reclose them at their expense or labour. Even in places where there are sluices and field channels, they also are in a very disorderly condition. This is the condition with regard to tanks supposed to be continuing as ayacut tanks. Hundreds of cases have been brought to our notice where the numerous tanks have altogether disappeared and were merged either in the patta land or seri land by the occupation of the zamindar.

The few cases in which repairs were attempted by zamindars is with regards to railway effecting tanks on the compulsion of the Government. In Venkatagiri and Bobbili estates we learn that these contracts for repairs are given to the Estate's favourites and ryots have proved by records how badly the works were being done.

In order to enable the Committee to appreciate the present state of irrigation conditions in the Estates many ryots have requested the Parliamentary Enquiry Committee to make a personal inspection of at least some typical works at each centre. Now after the evidence of the Estate Officials of Vijayanagaram, Bobbili and Venkatagiri, representations are sent to us stating that many of the figures given in the so-called irrigation works budgets of these Estates are mere exaggerations and they are prepared to prove them to the hilt, if opportunity is given. One inspection of some important works in these Estates confirms us to the statement of the ryots.

In some Estates they have openly stipulated in the leases that the ryots themselves will have to execute repairs to the tanks. In the Munagala estate the ryot, even if he wants to relinquish the land should only do so after doing his quota of work towards tank repair

DASABANDHAM TANKS :— These are tanks which are said to be maintained by the Dasabandham Inamdars enjoying the said Inams. This is the position under the present E. L. Act. But recent evidence shows (Vide patta dated Sadharana-Pushya Bahula Dasami

produced by one Mr. K. Gopalakrishnayya, regarding some Venkatagiri tanks) that Dasabandham Inams were granted as a reward for digging tanks in that locality, and in such places he has no liability to tank-repair. Evidence is forth-coming with regards to hundreds of tanks in Nellore and Chittoor Districts that they were dug by the predecessors of the present in Madras and the Inam was only a grant for digging. The Dasabandham system of tank repair and maintenance should therefore be altered in the proposed legislation in the light of these facts. These Inams where they are expressly granted for tank maintenance constituted the irrigation protection capital of the day. But to-day that system also has degenerated. And the ryots are hard-hit between two masters, both turning a deaf ear to the ryots, request for tank repair. This question also will have to be effectively tackled in the proposed legislation.

CHANNELS AND RIVULETS :—Another kind of irrigation works is the jungle stream and channels coming from them. The Universal complaint with regard to these works is that the main river is not dammed at the head

of the off-take. In low water season, the whole supply will waste into the own for want of a dam across the river. In flood season, through the open mouth of the off-takes the fields are flooded, as a result of which in many of the Vizagapatam Estates lands are charged with sand and thus rendered unfit for cultivation. Even then, the high rents on these lands are not reduced. Only here and there a few rent reduction suits under section 37 of Estate Land Act were filed and reductions obtained. But in a majority of cases the ryots are helpless in the face of the zamindars' negligence to repair the bunds and construct flood regulators. Consequently, they have to not only forego the opportunity of raising valuable crop but also have to pay higher rents levied on the basis of the once existing fertility of the land. In villages by the side of hills, the "hill slopes," are given for cultivation by the zamindars, as a result of which the whole "Vagu" is obstructed and vast loads of sand from these loosened soils are carried into the irrigation tanks lying lower down.

WELLS AND PONDS :—As has been already pointed out, we have no evidence to show that the wells or ponds now lying in ryoti

land are either excavated or maintained by the zamindar. Even in cases where there is positive evidence that the ryots have dug them at their own cost and are maintaining them, rates are levied. Even if the well is constructed by the zamindar, the rate levied on such land is unfairly high. The zamindars are levying same high rates on all these lands in the name of "Mulum" or "zarib" i. e., dry garden crop rates, which range from Rs. 10/- to Rs. 30/- are even Rs. 40/- per acre. In some cases they are more. Many of these works are in a state of despair, and ryots are struggling hard to maintain them. There is no more violent flagration of the law than this.

The other grievances which the ryots have brought to our notice regarding irrigation works will also be noted here. (1) Some irrigation works are jointly owned by Government and zamindaris, zamindaris and zamindaris including mokasaders and Agraharams. Works of the latter category are awfully neglected, because all is no man's business, as is the Bobbili Seripuram works. E) first category when the ryot Government their representation to the zamindar who says

unless the Government moves. In many estates petitions were sent to the Collector under the Madras Estates Land Act. There are cases where even after the direction of the collector, the zamindar still keeps mum and the matter stands where it is. Even after four years after an amendment to section 139 of the Madras Estates Land Act authorising the collector to collect money from the estate and execute the works, we could not find a single instance where it could possibly be tried. In some estates as the result of contests rights to water were obtained but due to the neglect of the zamindar to enforce them the ryots are suffering. In some estates (like Dharavaram Kovvur Taluk, West Godavari District) the mamool wet rights of the ryots are sold away by the zamindar to Government. Yet in other estates the water rights cannot be enjoyed for want of channels as it is with regards to Rolligedda in Vizag.

REGULATION OF WATER SUPPLY.

Even where there is some supply in the tank, the ryots are much handicapped by the existence of seri-lands. Unless water is first given to seri land of the estate, it will not be let out to the ryoti land. In the process of

the cultivation, of seri lands, many mamool wet and bapath wet lands will not only have to suffer from want of supply but also submersion. To give a typical example, in the Jaggampeta Estate, for the carrying of water from a distant tank to the seri land of the zamindar, an area measuring, an extent of 500 acres of inam and zeroyat lands standing along the supply channel will have to suffer submersion. In some estates due to the want of administrative efficiency the strongest ryot holds sway over the weaker in the matter of water supply.

In villages of some estates, the rents were enhanced on the express promise that the irrigation works would be repaired or improved, (including the digging of new channels) and field bodhis would be maintained in order. Unjust as this is to-day the result is the enhanced rents are being collected but the channels and irrigation works stand where they were. In some villages, while the bed of the tank is under contraction the ayacut is further extended. In some estates water is actually brought by the ryots from another zamindari, to which also the Estate charges the usual rates.

In the Munagala estate the tanks have got two kinds of sluices. One is with ground level (Musali Bhavi) and another above ground level (Manika Bhavi). The ground level sluice can supply water to ryoti lands while the seri lands require high level sluice. In the name of repairs to the sluices, it is stated, that all ground level sluices were raised by the estate; consequently water supply to the seri lands is much improved which means shortage to ryoti land.

Drainage facilities :—Similar are the grievances of the ryots with regard to drainage conditions including drainage in Lanka lands. The zamindari villages are more exposed to submersion owing to want of drainage facilities than the ryotwari villages, thousands of villages in these estates abut hill and jungle streams which rise very violently during floods, as a result of which crop submersion and silt charge follows. As there is no statutory obligation on the part of the zamindar for remissions, the sufferings of the zamindari ryots are more miserable here, and we never came across any case where the zamindar ever attempted to relieve the ryot from this trouble.

New projects.— There are some estates wherein, as a result of the contest between

the estate and the government, judgments were given for division of water supply according to certain proportions. As the zamindar does not move to put them in practice and the government, having no interest in zamindari areas, never cares to move either. Again, there are some other estates, where in rights were actually declared in judgments or government admitted the irrigation rights of the ryots for receiving water supply from government main streams. But as the zamindars did not construct necessary works, the ryots could not enjoy the benefits of those judgments. There are some more estates where the traces of old feeder channels from rivers to the tanks can still be seen. If these are again excavated, tanks need not depend on mere rains. We learn that Venkatagiri contains many such tanks.

New works :—The peasants of the Vizag District are admittedly the poorest from the point of economic ability. But a study of the economic resources of this district will clearly show that the Vizag District itself has the capability of becoming the richest, but for the predominant occupation of this area by the present zamindari system it would have been a progressive district long ago. Nowhere

we have so many rivers, rivulets, canals etc., as we find in this district. If all these rivers are punctually dammed and reservoirs constructed, lakhs of acres of land can be brought under cultivation. In our humble opinion, the cost also will not be exorbitant and all the works, we hold on authority, will be productive. Even now sugarcane of the quality can be cultivated under the Vizag Streams. The Vizag soils were held by experts to be best fitted for sugarcane. Want of guaranteed supply and marketing facilities are the severe handicaps for the sugar cane grower here. Similarly, our attention was drawn to several plans and projects in the seven districts for improvements to irrigation works. Unless the question of keeping existing irrigation all works in good order and improving them as also the construction and improvement of drainage works is effectively tackled and arrangement for regulation of supply by an impartial popular agency is made, by the State, we are convinced there is not the least hope of the zamin ryot to continue his existence as a ryot and his discontinuance as such in our opinion is a great national calamity.

PROPOSALS.

The existing provisions of the Act in regard to enforcing the obligation of the landholders to maintain the irrigation works in good repair proved utterly futile. The procedure is so cumbersome that in practice the ryots get no relief whatever. So, the government must lay down a programme of repair to irrigation works on a five or seven years plan and get all irrigation works which are now in disrepair, repaired through its own agency and recover the costs from the zamindars. In the meantime, whenever the ryots complain that certain irrigation works which are the source of supply of water to their lands are in a state of disrepair, the collectors should have power to get the repairs executed by advancing money from public funds and recovering the same from the landholder. Irrigation works must be classified on sound lines. There must be irrigation protection fund for future maintenance of works. Provisions should also be made for suspending the rents wholly or partly according to circumstances, on lands irrigated through such sources, till the repairs are executed, unless they can be

cultivated with dry crop, in which case only dry rate should be allowed. There must be irrigation panchayats subject to the supervision of the Government, pending the Village Panchayat system of administration under contemplation. They must have a hand in all matters like regulation of supply, localization and fixing of Ayacut also.

2. Dasabandham system of tank maintenance as it is must be altered in the light of the present evidence.

3 The state must have power to exploit water and other resources in zamindaries for the economic progress of the country.

SEC. V.

KIST BUND, CURSED JOINT PATTA-
ARBITRARY METHODS AND COERCIVE
PROCESS FOR COLLECTION-
ACCOUNTS & UNJUST CREDITINGS-
CHANGE IN THE AGENCY OF COLLEC,
TION-A LOGICAL NECESSITY.
KIST BUND.

In many Estates Kist Bund begins hardly before the ryot cuts the crop i. e., December-

and in some estates it begins even before he sows or transplants i. e., in August and September. Even in Lanka portions of the Estate Kist Bunds begins before December. And it is a well known fact that Lanka cultivation begins after the flood season and harvests begin from March.

THE CURSED JOINT PATTAs.

This is one invariably common grievance in all estates under our enquiry and the source of greatest possible mischief and injustice to the ryots. We can confidently state that no estate is without this trouble.

On account of this joint patta system there is no certainty to the ryot as to the actual amount he is liable to pay. There is no security for his property even after the payment of his dues however punctally he may do it. There are several varieties of grievances felt under this head, In each joint patta the number of holders will generally be from 5 to 20. Some cases where even 100 ryots were included in one patta are brought to our notice. Rent paid by one person is credited to the arrears of a deceased holderh Rent paid by a transferee is credited to the

dues of the transferor even after lapse of 7 or 8 years. Rent paid by a "soft" ryot is credited to the arrears of a "stubborn" ryot. There are cases showing that even after separate registry of a transferred land the same land was sold for the arrears of the joint patta from which the transfer was made. These are the conclusions from hard facts.

Registry of Holdings :— Provision relating to recognition of transfers and sub-division of holdings by landholders should be tightened as to make their evasion by Zamindars impossible. The amendments of 1934 are not adequate or effective to achieve the object. Revenue officials of the Government, like Tahsildars and Deputy Tahsildars should be required by the Act to bring the Registers of holdings in zamindari villages upto date by carrying out all transfers and successions in the registers and to ensure that pattahs and muchilikas conform to the entries in the registers so revised. The joint pattah system which is one of the most crying evils in zamindaries should be put an end to. The zamindars must be denied by statute all relief for recovery of rent if they violate the provisions of law in regard to registry of the holding in the name of the persons who are legally entitled to hold

it. Secs. 145, 147 and 148 of the present Estate Land Act must undergo effective changes on these lines.

ARBITRARY METHODS AND COERCIVE PROCESS, IN COLLECTION OF RENTS.

As said above in many estates the ryots are bound over by means of a stipulation in the Muchilika that they do consent for keeping all the produce under the custody of the zamindar's men until the estate dues are paid. As a result of such a stipulation the ryot is stopped from harvesting the crop or from carrying the harvested produce. They will sometimes be liable to sudden rains and other damages including damages from wild animals and monkeys. The estate watchers should be paid by the ryot at annas 4 or 6 per day. In the Bobbili leases it is said that the ryot must suffer even if the produce is damaged in the process of such "Anksha".

In places where the crops are divided by appraisement if the ryot does not consent to the estimates made by the zamindar's men, he is stopped from harvesting it and by the time Revenue officers come to the field much damage will be caused. There are some cases

where even the cutting of crops was stopped by zamindar's men for by long periods in order to coerce him to consent to their estimates, brought to our notice.

Another method adopted is that of locking up the cattle of the ryots in the Thana if the dues are not paid on demand immediately and sometimes it is stated the cattle are worked by the zamindar's men also. The practice of driving cattle to the Thana is very common in zamindari's remotely situated and in those of Agency and hill borders. The Munagla ryots complain of barbarous methods adopted in rent collection, such as making a defaulter bend forward and placing weights on his back.

Instances are not wanting where prohibited articles are attached. Even after attachment of the moveables the same are sold without informing the Collector. The distraint provisions under the Act are not regularly followed. Demand notices before attachments are generally not served upon the ryots, being thrown over the fields and articles attached are sold for very low prices without proper publication. These attachment provisions are used as a powerful weapon

by the zamindar for coercing the ryots into submission. Lands worth thousands were sold away in some cases even for Rupees Fifteen. Sale of land is resorted to even for nominal arrears, i. e., even for Rs 1-1-0 as it happened in some cases.

So much so even the most influential ryots are afraid of going against the will of the zamindar and meekly submit to what they do. The present rent collection power together with the destraint provisions of the present Act is the most powerful engine of repression in the hands of the Zamindar against the ryots.

IRREGULAR CREDIEING&IRREGULAR ACCOUNTS AND UNJUST CREDITINGS.

Several cases of double collections and refusal to issue receipts for collections made were brought to our notice. Again there were complaints that rents paid for current fasli are credited to the past faslis and towards time-barred arrears. There are also numerous complaints from the ryots that proper information will not be generally gi en to ryots as regards to their liabilities by the administration. In O. S. 386 of 35, on the file

of the Alluru District Munsiff's Court, the judgment shows that the ryot's holding was sold away even after issue of receipt for the kist. In many estates these arrears of rent amount to Lakhs and thousands of decrees were obtained for rent arrears; and the threat of execution of these decrees is another ban on the individual liberty of the peasants. In some estates seeing that the Debt Relief Act was coming these arrears were collected with stringency for which thousands of holdings were sold out, at nominal prices.

The present tendency in some zamin-daries, we learn, is to evade the receipt of rents offered by ryots for Faslīs 1346 & 1347 and drag on the matter till after September 1938 in order to obtain undue advantage of collecting the arrears due from 1344-1345 Faslīs. (Vide Madras Agriculturists' Relief Act.)

THE AGENCY.

But the real question is about the actual agency to collect rents in zamindari. It must be brought into line with the Government system. There are village officers in zamindari villages as there are in Government

villages. There is the village headman and the village karnam. These may collect rents under the existing law, but they are not statutorily bound to do so while statutory obligations are imposed for preparing the accounts, showing the demand and other particulars and furnishing the zamindar with such other accounts as he may require in connexion with the collection of rents. There is no insuperable difficulty in vesting these village officers also with the statutory duty of collecting rents in zamindaries. They may be done subject to the control of the Government Revenue officials. In places where there are village panchayats or where village panchayats are formed in future, the same may be vested in the village Panchayats also subject to the control of the Government. When a scientific system of land revenue is introduced in the zamindaries on the model of the ryotwari tracts, collection through this agency should prove very beneficial not only to the ryots but also to the zamindars. The expense of collection will come down considerably and all litigation for recovery of rents will be avoided. The zamindars may be asked to pay a certain commission for this service and the

village officers and others engaged in the discharge of these collection duties may be remunerated from that source.

It may be asked whether the Government have a right to interfere in the manner indicated above. Undoubtedly they have. The Government at no time gave up these rights to introduce any measures they may think necessary for the protection and welfare of the ryots. Lord Cornwallis himself stated in an extract already quoted that the Permanent Settlement did not take away the right of the Government to intervene where necessary. The Madras Board of Revenue in their proceedings dated 5-1-1918 and later on in 1864 made the position perfectly clear. The following extracts will speak for themselves :—

“The universally distinguishing character as well as the chief privilege of this class (i. e., the ryots) is their exclusive right to the hereditary possession and usufruct of the soil so long as they render a portion of the produce of the soil in kind or money as public revenue; for whether rendered in service, in money or in kind and whether paid to RAJAHS, JAGHIRDARS, ZAMINDARS, POLIGHARS, MUTAHDARS,

SHROTRIEMDARS, MANIAMDARS or to Government officers as Tahsildars, Amuldars, Ameens, or Tanadars, the payment which have always been made are universally termed as Dues of the Government."

"That in the earliest times of which we have record, the right of the State to a share in the produce of the land was limited and that limit was such as to leave a sufficient margin for the growth of a valuable property in the land appertaining to the occupant whose right to retain possession on payment of the limited share was inviolable and hereditary.

"That the origin of the zamindar's office was comparatively a modern one and that, whatever its origin, zamindars derived their rights from the state which could not confer more than it has possessed and exercised.

"That the State asserted and often in later times exercised the power of resuming the exercise of its rights from the zamindars, without thereby altering the terms and conditions of the ryot's tenure.

"That the framers of the Permanent Settlement proposed to relinquish to the zamindars,

an ample allowance for their personal benefit, out of the average state demand in past years on the zamindari and to fix the zamindar's payment unalterably for ever leaving to him all the benefits derivable from extension, on cultivation and improvements in the culture of the lands but to restrict his demands of the ryot to the RATE OR SHARE ESTABLISHED FOR GOVERNMENT by prescription which rate was to be registered in the village by the officers appointed for the purpose."

After the present uneconomic rents are revised on lines suggested ryots will be able to pay them promptly, and they will not shudder as they do now, when the Kist - bund "Tom Tom" of the village authorities is heard.

SECTION VI.

SUITS AND CONTESTS.

Contesting inequalities of the Parties.

The present Estate Land Act is based on the wrong assumption that the Zamindar and ryot are on an equal footing and status either to contract or to assert their rights or to

contest claims in a Court of law. The material we gathered regarding this point reveals that this assumption is entirely false. The provisions under which the Zamindar can enjoy and enforce his rights he is able to punctually pursue upto the High Court ; and in some Estates instances are not wanting where the Estate itself takes the law into their own hands. Take forest cases; rent enhancement and commutation suits attachment of moveables and immoveables. In all these, of the hundreds and thousands of defendant ryots major portion will be exparte even in the courts of first instance. Even when they contest there are very few cases where the ryots are able to go or see the finality of the litigation. But in the majority of cases where the ryots went upto the High Courts the ryots contention was upheld. Even here the favourable judgment only applies to those few who contest, the majority not being benefitted.

Then take the ability of the ryots to initiate contest positively even against the abuse of such provisions of law intended for their protection and securing their rights. Some typical instances are sufficient to show.

how unequal are the parties. In the name of private survey and on the plea of excess area therefrom the rates are enhanced in every estate. Similarly in the name of "Mulum" "Zarib" and garden, cultivation, rents ranging from ~~Rs~~ 8/ to 40/- or more are collected in the zamindari which amount to not thousands but lakhs on dry garden lands, irrigated with well water dug and maintained by the ryots in many cases which are all flagrant breaches under the Act. Similar is the case when exchange of Patta Muchilikas are refused as is the case in many Estates. (There are cases where there is no exchange of Patta Muchilikas even from 30 years) or when clauses coming down from a long time or suddenly dropped out from pattas - as for remissions or for right to trees - or new clauses added - as for reservation of mining rights.

Similar is the inability of the ryots to contest against the unjust claims set up on communal lands and house sites, refusal to issue receipts for payments made etc. The chapter on Irrigation Works asking the ryot to do this and that, to go here and there for relief is very elaborate indeed. But if a survey of all the omissions and commissions by the Estates is made and seen as to how many

ryots and in how-many cases were able to resist the estate's unjust claims or assert their rights under the Act, it will be clear that 90 per cent of the ryots are unable to do so. The inherent contesting inability and the atmosphere and the conditions under which Zamindary ryot is placed today in these estates are such. This statement is the conclusion based on facts collected in a fairly large number of estates under our enquiry. But for want of space, we would have quoted hundreds of instances, some of them being very harrowing indeed.

The greatest defect of the present Estates Land Act is its bargaining nature. It defines a right in favour of the ryot and immediately searches for a counter favour to the Zamindar. This is natural under an irresponsible Govt. of foreigners. As such, even the few rights defined in favour of ryot, he is not able to exercise. While the Zamindar is able to not only exercise his rights both defined and given and derive the fullest personal benefit from it, being more resourceful and influential but also takes undue advantage of the cumbersome procedure by which the ryot is disabled to pursue his rights. Therefore the

coming legislation must not be based on this false view of "balancing of rights" of parties and on the false satisfaction of having provided for an elaborate procedure for the parties to pursue their rights which itself is as advantage to the Zamindar and virtually deprives the ryot from seeking his remedy. The relationships of the Zamindar and the ryot if at all they cannot be ended now must be reinterpreted from the view point of national economy and usages of this land. The policy of balancing the rights should be given up. The state must further recognise that it is to act not only as a definer of the rights of the respective parties as aforesaid but also as the guardian for securing the enjoyment of those rights, as far as ryots are concerned, because of this inequality of the parties as shown above. On these two principles the whole Act and its procedure must be remodelled.

Proposals :— In all the operations under the Act the representatives of the Ryots' Associations must be associated with. The decisions giving relief to ryots who could go to the courts must equally apply to those who could not do so for their disability as is

followed under the Trades Dispute Act when the nature is the same. The whole procedure should be so simple as to give the ryots a "ready made" justice and to use the words of that eminent Juris, Mr. H. S. GOUR, it should be the "Justice of the market place." (Vide the preliminary memorandum of this committee for concrete proposals)

SEC. VII.

SERI LANDS.

This category of land is practically of recent creation. Seri land strictly speaking must be either land cultivated by the zamindar and his men are with the hired labour or such land as is really set apart with the intention of future self cultivation of the zamindar. This is really the intention of the legislature in recognising these two categories under the present Act. But what a tragic abuse of law it is. An enquiry into it will reveal that in many estates within the last 20 years thousands of acres were brought under this head with the intention of continuing the old practice of rack-renting and evicting the ryots. How is this seri land created? By

occupation and encroachment of communal lands including public paths and cattle stands, and of irrigation tanks in some places. For instance in the Challapalli estate the very names of these so called seri holdings connote the old names. Some are by occupation of relinquished and evicted lands and some are bought in lands from ryots. It is stated that in the Challapalli Estate alone the acreage of seri land will not be less than 20,000 acres and in the Gangole estate of the East.Godavari agency income from seri land is larger than that from the ryoti land. In the eastern zamindaries the seri first originated when the Mustadar used to snatch away parcels of land from the patta land.

After all the object of creating seri land is to enhance rents freely, and not to cultivate. In every estate where the seri head exists the zamindar feels a divided interest. He takes more care for the upkeep of tanks commanding seri lands because they pay more. Water will not be given to ryoti lands unless the seri lands are first cultivated. This seri head is a great impediment to the healthy maintenance of the Ayakut tanks. In the name of seri, regular cultivation is opened by the

zamindar in the tank beds. To quote an example the Chemudu ryots (at Vizag centre) gave instances of many tanks occupied by the zamindar for seri. (For proposals under this head Vide priliminary memorandum).

ESTATES' RELATIONS, FRIENDS AND OFFICIALS AS RYOTS

This class of tenants is increasing of late. Waste lands, lands bought in sale for arrears, serilands or communallands occupied are given on patta either to the relatives of the zamindar, including the zamindarni, or in the name of friends. Even here preferential water supply is given to these lands. And the interests of other ryotilands are ignored. In some estates the officials like Dewan and Manager own vaste tracts of land under the zamindar. These must be controlled by suitable legislation.

Proposals :— grant of waste or bought in lands should be subjected to some rules made by local government, so as to see that the really needy ryots obtain them, preference being given to those who have lost them in sales.

SEC. VIII.

COMMUNAL LANDS.

“ Geographically considered a village was a group of land holdings aggregated in one place with one or more than one group of dwellings situated somewhere in the area with a tract of scrub jungle and grazing ground attached ”. (vide Manual of standing information of the Madras Presidency page 53 para 9.)

The land in a south Indian Village according to the ancient village system continuing up to-date is divided into the following heads:-

1. Grazing grounds.
2. Burial ground.
3. Thrashing floor.
4. Irrigation tanks, and channels, (including drainage channels).
5. Cattle stands.
6. Public gardens.
7. House sites.
8. Foot paths.
9. Tanks and ponds.
10. Artizan and service inam.

11. Inams granted for the religious purposes and for other merits or skill.
12. Land under the cultivation of the ryots or the village community (Vice Bhubands)

A perusal of what are called ' Bhubands ' (which will be available in the Collector's office) will reveal that every village in Southern India is divided on the above lines. These bhubands are pre-permanent settlement documents evidencing the immemorial divisions of the village lands. In some zamindari they might have been created or increased from the waste lands of the village. When calculating peishkush these communal lands were excluded from the assets of the village as well as the Inam lands as " Lakhiraj ". As such the villagers are enjoying these lands from time immemorial. Both as villagers and agriculturists they have inherent rights and rights of necessity in them. In fact there is no meaning in the expression Indian village without the above mentioned communal lands. In the early days of the permanent settlement when the population of the villages is far less than

what it is now, encroachments over communal lands were very rare. The village panchayats used to safe guard them. The occupation of the communal lands like 'go-bhumis' was considered to be the greatest sin by the Dharma Sastras.

A perusal of these Bhubands will show that atleast more than a third of the village land was set apart as lakhiraj i.e. land exempt from land revenue which consists of communal lands and inams. From what we now gather communal lands will not be even 1/20th of the village total in many places. Perhaps the area of the communal lands have some bearing on the then existing population and future communal needs of the village. In the central districts where density of population is greater the inconvenience due to encroachment and want of sufficient communal lands is very severely felt.

But what is the condition of these communal lands in zamindari areas now ? In this light we have examined the question during our tour and we beg to place the results there from here. The encroachment on the communal lands by zamindars are for different

purposes in different estates. They convert them into 'seri lands'. In some others they are given to ryots on patta and in some others they collect grazing and other fees for the same.

Of the 600 and odd villages under our enquiry in many villages communal lands worth the name are not to be found. Thousands of cases were brought to our notice regarding encroachment and occupation of the communal lands by zamindars, Agra-haramdars and Mokhasadars.

The communal lands occupied or of several varieties. The grazing lands are called 'dibbas' 'ryot bandjars' 'grama samisties' 'samudayaka banjars' 'go bhumis' 'dharamaghotakams'. These are various expressions used in the different parts used for grazing lands.

In some eastern zamindaries even hill slopes carrying water were leased out. In some estates the grass in the gobanjers is sold. There are some estates where lands set apart for Harijans were also occupied. There are to-day a good many villages having no communal lands especially in Deltas. Unde.

the old Hindu life planting of Dharma 'Aramas' was a very pious act, supposed to give the same spiritual benefit to the planter as is derived by the possession of children by a Hindu householder. Planting of a public garden is classed as one of the seven off, springs (sapta santanams) in the Sastras. These village common gardens are either converted to ryoti head or seri head of the zamindaries in many Estates.

Yet in some villages of these estates, even drainage channels and foot paths were occupied and they merge in the cultivated land. In some places the grass in the punthas is sold.

KANCHALU IN VENKATAGIRI AND OTHERS.

In the Venkatagiri villages of Chittore, Nellore and Guntur the formerly existing free rights of grazing in kanchis were infringed subsequent to the Estate Land Act. The old Izara leases of Mr. Rahimtulla clearly show that ryots have free grazing rights in kanchalu. Even the nominal rates levied in the early days are being gradually increased (i. e.,

from Rs. 10/- to Rs. 50/- or even Rs. 100/-). This is leading to untold miseries on the part of the ryots, who not being able to pay these high rates had to take their cattle to far off government kanchas for grazing. What water is to a Godavari ryot, kancha is to the Venkatagiri ryot in that hilly tract.

To give a typical instance a Venkatagiri ryot of Nidigallu gave up leasing of the Kancha being unable to pay the high rate and as a protest against the invasion of the immemorial usages. But after some time he could not continue it unless he allowed his cattle to starve. So he was forced to go to the zamindar again for lease to the Kanchi. With what result? According to the receipt dated 2-2-28 which he produced before us, ~~Rs~~ 110/- were collected as kancha rate ~~Rs~~ 9-7-3 as cesses *while Rs. 310/- were collected as the alleged watching fees, which is another name of penalizing the protest action of the ryot* in not continuously submitting to the high kancha rates. We saw many such receipts. The Venkatagiri ryots have suffered and are still suffering in the name of Kancha levy and kancha encroachments severe hardships including many

kancha "trespass cases" Even with regards to leasing of these grazing grounds discrimination is shown by some estates. The ryots who are relatives and kith and kin of the zamindar get better land at a low rate while land of gravelly type is leased to other ryots at higher rates, in some places.

The grazing of cattle in lanka porambokes is similarly prohibited. They are leased out. These lessees in their turn are charging at Rs. 7/or Rs. 8/per tail of cattle. The Challapalli estate makes tens of thousands from lanka grazing. Pithapuram, Challapalli and Prakkilanka estates having lankas make thousands of rupees of late by renting lanka porambokes.

The bunds of tanks were closed against the village cattle by the zamindars being sold for grass. Even where the beds are held to belong to the zamindar, legal decisions under the Estates Land Act lay that the mode of enjoyment by the villagers cannot be altered. In thousands of villages in these estates tank beds are occupied either for cultivation or for collecting grass fees. When this levy was contested by the ryots it was held by the courts that the ryots have free rights.

If the "bhuband" of each village is examined the magnitude of absorption and occupation of the communal lands will be clear. Truth still rings in our ears when in some estates the zamindars still call their so called seri and other occupied lands with the same old names (as when they were under communal heads) as 'donka' 'kunta' and 'tota' etc. Similarly the village gardens, thrashing floors and cattle stands have disappeared or have diminished in many villages.

There are again cases where even if a twig for fencing or a stick is used from the communal porambokes heavy penalties are collected by the Estate.

What is more miserable is, in not less than hundreds of villages from Chittoor to Ganjam the burrial grounds are also occupied either for leasing or for cultivation or for selling grass. We are actually shown in some villages tank bunds being used for the purposes for want of separate grounds.

FISHING RIGHTS.

The age long fishing rights of the village community also are similarly interfered with

by the Estates.

QUARRIES.

This is another grievance complained of ever since the passing of the Estates Land Act. From time immemorial the estates were selling stone from the quarry only to outsiders after freely meeting the demands of their villages. Now rates ranging from Rs. 0-1-0 to Rs.0-2-6 for cart load are charged.

HOUSE SITES.

Even if farm houses are constructed in the agricultural land the zamindar files suit for ejectment under section 151 of the Estate Land Act. That is one trouble. In some estates them for raising a cattle shed in the farm the permission of the estate is required. That is one trouble. Further in these parts of our country ryots are accustomed to live more in the villages than in fields. Hence the ryots are at the mercy of the zamindar for grant of house sites which are to be carved from the vacant sites in the village. Generally these vacant sites are claimed by the zamindar. On the other hand if any ryot-land is to be converted into house sites the zamindar demands very high rates.

These demands even with regards ordinary lands came up to 600 per acre plus annual rent in some places. In some estates like Kotipalli (Vijayanagaram) house sites are granted on Najarana and they are transferred by lease. At every renewal of the lease the estate gives trouble to the house holders.

In the village of Chintalapadu Onti of Muktyala estate for mere village site Rs. 400 per acre has to be paid.

Based on the census of 1891 the population of the presidency increased by 15.58 over the previous decinium. It was calculated that the average number of occupants of a village house to be 5.58% then. Now when the population of our village increased by from 20 to 30% more it can be appreciated how much is the need for increased house sites for villages. To quote a typical instance in the Pandyala village of Muktyala we were shown that in a house of about 100 square yards even 15 members had to be huddled up like the crowded railway compartments. The witness representing the village filed house-wari statistics before the Committee. This is a very

important question. House for the houseless must be our primary slogan.

Hill poramboks and paths:— There is evidence that hill paths and forest punthas in which the villagers have rights of necessity, are obstructed by the Estates authorities.

CONCLUSION.

There should be an inquiry into the encroachments of communal lands and communal rights of the villages and into the communal needs. All communal land must be re-demarcated irrespective of time and limitation or place. Adequate arrangements for extension and creation of communal lands at a low cost must be made only where they are to be carved out from ryoti land. Where there are government or zamindari waste lands, these must be carved from the same free of cost.

The correct theory of law where should here be that when once a land comes to communal head it should always be communal in character; and we vested in the village Panchayat irrespective of its origin.

We believe that this measure is the first step in the rural reconstruction.

(For concrete proposals on this vide the previous memorandum of this committee.)

ILLEGAL CESSSES MAMOOOLS AND COMPULSORY LABOUR.

Levies other than lawful rent come under three catagories. viz.—

1. Illegal cesses
2. Collections made in the name of custom.
3. Exactions of compulsory labour without any remuneration.

Illegal cesses are either in cash or kind. These collections are patta mamools, mamool for issuing a receipt, mamool for separating a joint patta, watching charges collected when estate peons were posted over ryot's crops. Maras. Tatalalayam, Rusumu Noyakavali, Massoldari, Sadalwar and such exactions are also common even now in a considerable number of estates.

A typical example of exactions are brought to our notice in the Gangole Estate where in the name of Talari, Massooldar, Watcher, and horse mamool not less than 20

kunchams of paddy (on the assumption that the watchers fee is collected for one day) will be collected from the ryots' share at each holding (or each thrashing floor), or on every paddy heap supposed to yield 8 bags. Geddam Tooty Mamool is another sort of exaction in Gampalagudem, and Karanam mamool at Rs. 0-1-6 a rupee from each cultivator is collected in Chitoor. Sadalwar, and Maduri Kasuvu are collected in many Chitoor zamindaris.

In spite of the Estates Land Act being in force for the last 29 years these are openly collected in the zamindaries. In some estates collections made in the name of God mamools are for religious and charitable purposes are also appropriated to the Estate treasury. In some Venkatagiri villages in the name of Araka memools annas 8 is collected for every plough. In some villages of Kalahasti Estate "Meras" are still collected from the ryots out of which the Karnams are paid their salary.

COMPULSORY LADOUR :— In this age of democracy and fight for rights of man when Soviet Russia is most successfully helping the world's most backward race the

Sibarians to rise to high standard of economic life and civilization, our human conscience revolts to see that compulsory labour still exists in some of the Eastern estates. It is of several kinds. The "Jatapudhoras" of salur hills are to carry the forest ranger in the Dolli for distances ranging up to 20 miles without any remuneration. They have even represented to us that the Estate got a road formed by them from Nanda village for 14 miles without any payment and the free labour of 14 villages was exploited for the same. They have to construct pandals and such things on the market days. In Chintalapudi division of the West Godavary the ryots have to freely pen their cattle in the seri fields of the zamindar or Mukhasadar if they want to continue as their ryots. They have also to plough the seri fields for a number of days transplant tobacco in the seri "zarib" lands. In many estates the ryot will have to cart the produce of the estate freely. There is evidence that some zamindari exact free service from artisans like pottars and smiths. This exaction of compulsory

labour even without any remuneration is more prevalent in zamindaries adjoining forests and far removed from the road and trains. In many estates the ryots have to make even major repairs for irrigation works by their own labour. The Nadigudem road in Muna-gala Estate is stated to have been formed by compulsory labour. In our enquiry it was found that compulsory labour exists in Parlakimidi, Saluru, Chintalapudi and Muna-gala, amongst others.

PROPOSALS.

All the customary mamools over and above a fair and equitable rent (i. e., to be fixed under the present proposals) must be abolished. The collection of these as also that of illegal cesses and exaction of compulsory labour must be severely penalized by law providing for imprisonment of the offender. The provisions of the present Estates Land Act must be reformed on the above lines. Rules must provide for the monthly regular visit of the District Collectors to the hill tribe areas along with representative non-officials to enquire into their conditions and complaints.

HILL TRIBES AND RYOTS IN FORESTS.

Estates like Bobbili, Salur, Parlakimidi, Jeypore on the Eastern side, the agency zamindaries and Tuni Estate of East Godavari, Munagala in Kistna, Venkatagiri and Kalahasti in the western portion, Chitalapudi division in West Godavary are the zamindaries which came under our notice as having very large forest area. The heads under which forest grievances can be conveniently divided the prohibition and levying of high rents for forest produce; Depriving hill tribes and other forest dwellers from their customary use of this produce. Monopolizing and controlling of prices for forest produce by the Estate; levying and increasing of Village vari forest rates. Deprivation of ryots from the immemorial customary rights for free use of wood for implements for gathering leaf manure and for grazing agricultural cattle.

The grievances under 'Yeru' and 'Podu' cultivation were already mentioned.

MONOPOLY SYSTEM IN MADUGALA.

In Madugala forests all the produce brought by the hill-men goes to the mono-

polist appointed by the estate. By this monopoly what the hill men get from the forest must be sold only to this individual who also fixes the rate for the same. These prices will be far lower than the market price.

It is a wonder that in this age of democracy and rationalistic free thought the officials of a Maharaja who is the head of that great institution for the cultural advancement of the Andhras defend this barbarous system arguing that it is more for the benefit of the hill-men themselves. They seem to say "if you give the hill-men the liberty to sell as they please it results only in the liberty to starve themselves, in case they do not find a buyer." By this system the Estate states that soon after the hill men unloads the bundle of produce from his head selling facility is provided without his taking the trouble of going to the shandy but it is at a far lower price than in the shandy; The truth of this statement is self evident. (Vide: the evidence of Jeypore Manager before the Parliamentary Enquiry Committee at the Madras Centre.)

FOREST RIGHTS OF THE RYOTS.

Up to the date of the Estate Land Act the ryots including the hill tribes were enjoying rights of free grazing free manure free gathering and cutting of fuel, bamboos for housing or fencing, housing timber and wood for agricultural implements. This is the universal custom as seen from records in all the zamindaris. Taking advantage of the failure of the E. L. Act to incorporate these rights every zamindary possessing forests has invariably laid an embargo on forest produce. Some zamindaries do not allow the ryots at all into the forests, leasing them to individuals who in their turn demand exorbitant rates. Some zamindaries open forests only to the cultivating tenants at high rates. In some other zamindaries discriminatory rates are levied against non-cultivating villagers. Especially the sheperd class suffers for want of grazing facilities for the goats, lambs and rams. Consequently the goat rearing as an industry is very much handicapped in some zamindaries in Kistna District and others.

Wild animals :—Fields of villagers near jungles suffer great loss by wild animals. The

Jungles are set apart for "shikari" of the zamindaries and their men. If damages are caused by wild animals to crops no rent reduction is allowed, and the ryots cannot shoot the wild animals, nor the estate provides for safe-guarding the ryots against them... There are many instances where the ryots were actually prosecuted for killing wild animals causing damage to the crops of the ryots in the fields, for instance as in Salur, Mudugula, Parlakimidi and Venkatagiri. We learn that the estate induces Government officers in some places to cancel the gun licences of the ryots.

Forest cases are very common in these zamindaries and the courts deliver judgments almost without hearing the alleged culprits. Very rarely the ryots are unable to defend. In fact, we notice that all the forest cases filed either against the hill tribes or the ryots; not even in 5% of the accused have the sources to defend. Further any defence means postponement of hearing and for every such adjournment they have to heavily pay. In places like Saloor, they have to walk a distance of even 30 or 40 miles to attend the Magistrate's Court for forest cases. So punishment is prefe-

rred to defence. We are convinced on the strength of our enquiry that the process of law is no where so clearly abused as is being done in the name of forest cases. Refusal to pay the rates levied by the zamindar arbitrarily and even refusal to receive pattaas as imposed by them, refusal to vote for their nominees in the elections, and in fine any independence of opinion expressed by their ryots against the zamindar are sure to be met by launching forest cases under one pretext or the other. This is common in the all estates having large forests though with slight variations here and there. In the Salur Estate it is represented that 500 forest cases are launched in one month last year ; and in a village of the same receipts were produced to show that Rs. 63/- were collected as poundage for the alleged cattle tresspass from a peasant whose property is not worth even Rs. 200/- on one day. The Madugal hill tribes actually trembled before the secretary of this Committee at Vizag camp where they came to represent their grievances before the Parliamentary Committee and stated that unless they are protected by the "Congress Sircar" the muttadar would simply devour them for having come there.

FOREST RIGHTS OF HILL MEN.

Hitherto the hill tribes and the residents in the forest areas used to enjoy the forest produce such as tamerind, soapnut, mango, as also bamboo and other housing material as is necessary for their use free of charge. Latter a nominal forest rate at about Rs. 10/- or 12/- per village was levied on the payment of which the hill-villagers were allowed to use the forest produce free for their necessities. Now in estates like Salur these rates were further raised to even Rs. 50/- per village. The Madugal forest village rates also were raised. It is on account of these rates and road work mentioned above that it is represented to us that two entire villages of hill tribes cleared the villages in the Salur hills.

PROPOSALS.

The law should be modified penalising in roads and of the encroachments of the Estates against the customary rights of hill men including their rights to podu other manner of cultivation and individual liberty of the Hill-men and ryots. All rates on forest villages should be abolished. Sufficient area should be set apart

from Zamindari forests for the use of agriculturists. They must be vested in Panchayats. right of ryot to protect his fields and from The wild animals must be well safe guarded.

PATTAS AND MUCHILAKAS.

In some estates there are no pattas and Muchilakas at all. It must be remembered that even the sandas enjoin it as a sacred duty on the part of the zamindar, to exchange patta and Muchilakas with the ryot (Vide clause 11 of the Sanad.) Non grant of the same was also penalised in the subsequent regulations. The submissiveness under which the ryots are living in these areas will be evident from the fact that even during these 135 years when many Estates do not care to exchange patta Muchilaka, the ryot is unable to assert or to represent before the collector not to speak of assertion. In some Estates Muchilakas are received from the ryot and pattas are not tendered. In some Estates resort is made to the attachment provisions even without the exchange of patta and muchilakas, which is quite contrary to the provisions of the E. L. Act.

Now we shall consider as to how far the various terms in the patta muchilakas in places where they exist are voluntarily executed by the ryots. With this view we examined some of the leases presented to us. We state some typical instances. In the Bobbili lease belonging to Rajam Tana, Dated 21-1-22 an interest of 1% per mensem for rent overdue is laid. In the same lease differential water rate under what are called small tanks and big tanks, rupees 10 being under the former and Rs. 15 under the latter is to be found. By clause 3 in the same lease the ryot is asked to execute repairs to the irrigation works worth Rs. 10/-. Under the cover of the same, the Estate can ask the thousands of ryots of a village to execute ~~Rs~~ 10,000 worth of repairs. We learn that big works were got done by the Estate. Under a clause the right of trees was denied to ryots on the plea of an alleged contract which is shown to be an imposition, by the ryots. Similarly under clause 9 all the possible ways for interpretation were guarded against granting of remissions and the ryot is asked to relinquish the fields after the expiry of the term. Similarly in a Jegrijanagi lease

(Vizag. Dist.) dated fasali 1344 all the pre-act and post act tress were secured to the estate. Under clause 6 of the same lease compulsory labour is to be performed to the irrigation works and in default. Rs 0-8-0 per day is to be paid. In the Jeelakarragudem lease, dated 5-7-36 Patta No. 11 clause 6 levied Rs. 12/- per acre on dry lands if cultivated with wet or garden crop, i. e. , even without the zamindar guaranteeing water supply and which amounts to the virtual taxation of the rain water or ryot's efforts. The same is found in many other leases. It is thus clear that the above stipulations are clear breaches under the Estates land Act. Can anybody call them voluntary contracts entered into by ryots? Simply the zamindar dictates. The ryot has no option but to sign or thumb-impression it.

It was also represented that in some estates the ryots will also be asked to sign or thumb-impression on mere blank paper. In some estates of Kistna there are now quarrels going on on the question of Muchilkas. The cause is, Muchilikas the remission/ There are many variants in/

Many such leases are before the Parliamentary Enquiry Committee. Regarding some other peculiar stipulations quite contrary to equity or to facts and probabilities such as for survey excess, etc., mention is made under other heads. All these show how disabled is the ryot to contract matters with the zamindars on equal footing. The very face of these terms, some of which are contrary to the Estates Land Act itself, speaks out that none would willingly accept them.

TREES.

Even after 29 years after the Estates Land Act, it is a wonder that some estates continue appropriating all the post act and pre-act trees to themselves. What are called Tadi Valayams in Pithapuram are collected from ryots. In some estates income for toddy-drawing is collected by zamindars like those of Munagala. There are instances where even after collecting tree values the ryot is still prohibited to enjoy them. There are some instances where the land pattadar is different from the tree-pattadar. The penalties even when a twig is cut from the trees are very heavy. The ryot cannot use even a dead tree in his own field for purposes of

agriculture in some estates. The stipulation in the leases of many estates laying that the ryot has no right to the pre-act trees is a forced one. In some western estates even trees in house sites are charged with rents including Margosa trees as in Chittoor. This is stated in the leases expressly.

SEC. XII.

SOME STUDIES UNDER AGRICULTURAL CONDITIONS AND CROPS IN ZAMINDARIES. LEASES AND SALES ARE ON INSIGNIFICANTLY SMALL SCALE IN ZAMINDARIES. EVEN THEY ARE NOT CORRECT INDICATIONS.

The Zamindari ryot is resourceless. His credit is lower than even the ryotwari ryot. In matters of communications the Zamindari areas are backward. On account of the high rates including cropwari rates of rents joint patta and precarious supply of water absence of survey and absence of remissions the credit for zamindari land is far lower. Added to this is the fact that for the purpose of valuation under the court fees Act market value is

the basis for Zamindari land. while for the ryotwariland, tax is the basis. In fact the burden of the rate of rent in a Zamindari area should be calculated from the above mentioned limitations and then be compared with the government rate. The difference in figures alone does not constitute the real difference between the two rates. Rent being the first charge on Ryoti land the credit worthiness of the Ryot is lowered.

From what we enquire it appears that Sajja and Ragi in the western zamindaries; Chollam in the central zamindaries, and Chodi in the Eastern zamindaries is the staple food crop in dry lands. In wet, paddy is cultivated. In dry ground nut is cultivated in the East to some extent. Of the valuable crops sugar-cane is cultivated in the Eastern zamindaries and betel on a very small scale in some western zamindaries. Tobacco is cultivated in dry well irrigated land for which the rate is even Rs 20/- or more in some Estates.

A study of economics of sugar-cane cultivation in the Eastern zamindaries will show that the cost of cultivating an acre of Sugar-cane of dry variety will come up to rupees 75

there being not much reduction in the cost of cultivation even to-day. This acre which is estimated to yield 15 kantlams of Jaggery is valued at ~~Rs~~ 75/- at the most, now while its money value was up to ~~Rs~~ 150/- in the pre-depression days. The zamindari rates on this come to ~~Rs~~ 30/- or ~~Rs~~ 35/- per acre. Again a study of the cost of cultivating sugar-cane in the Kavitam Mutta of Bobbili with a wet variety shows that it comes to ~~Rs~~ 140 or 160 at the most. Though the yield here is something more the margin is little even here. Market facilities to the ryots produce are not favourable especially in the sugar-cane growing areas of Bobbili, Salur and other estates. The sugar-cane crop is the worst effected by depression price falling by more than 100% Further the Vizag sugar-cane grower in spite of these soils being the fittest for the crop is much effected by the precarious nature of water supply due to negligence of works on the part of the Estates.

~~Rs~~ 36 also is charged for regi in Chittoor. There is a rate up to ~~Rs~~ 70/- for one Acre on betel. Lands growing "chollu" are also charged at ~~Rs~~ 12/- in some central zamindaries.

In Bobbili dry lands are charged up to Rs 8 to 9.

Another handicap the zamindari ryot labours under is that the kistbund comes in along with the cultivation season unlike that in ryotwari areas. He is not only to borrow money for his cultivation operations but also for meeting the rents. Thus he is to borrow on the credit of the crops to be realised. These crops being a charge for the money borrowed, he has no free hand in selling his produce. In the face of these facts we now conclude that in the zamindaries to-day there are no conditions at all for progressive cultivation. This calls for immediate action.

The acreage of lands escaping into the hands of non-agriculturists would be greater in the zamindaries. The sub-leases produced by the Estates are mainly from these non-agriculturists.

After the Estates Land Act and during the war the zamindari Ryots had some credit due to war prices though the rents were high. But the money value of the debt borrowed under these favourable conditions suddenly

rose up due to depression while the rents were the same. Further in some Estates even these high rents were further enhanced under the enhancement and settlement provisions of the Act. By this the zamindari ryot is doubly hit.

SUB-LEASE VALUES & SALE VALUES NOT CORRECT INDICATIONS.

Mere leases or sale values of land are not evidence regarding profits of agriculture, especially under the present conditions in our villages. Some of the representatives of the Estates during their evidence produced some leases and sale deeds from the ryots and argued from the figures therein that the present rents levied by the Estates are quite economic.

This is another mis-representation of facts and wrong appreciation of the position of the ryots. Sub leasing in the Estates is insignificant, because of the high rents sub leasing does not pay to the ryot at all. If at all they lease, it is under exceptional circumstance like personal and family inconveniences of the ryot.

The rate levied by the Estate is merely for letting the ryot to cultivate. The Estate does not reclaim the land nor does it in any way help the ryot to improve the cultivation. A few enterprising ryots here and there regularly apply valuable manures do leveling and fencing and other works and dig wells. Such land they occasionally sub-lease. Even then the Pattadar supplies credit, seed and special manures like ground-nuts and castor with regards to sugar-cane. All this investment as is proved by some of the Chemudu ryots at Vizag centre comes to even thousand of rupees on the part of the Pattadar. It is unjust to compare the rents of the pattadar payable to the zamindar, on such lands with the zamindari rate and try to seek justification. After all these cases are very few. Even in the generality of cases where the ryot sub-leases his land, the rent taken is half to half as submitted before the enquiry committee. Above all lease values in our present villages are not correct indication of profits of agriculture as also sale values. The pressure on land and the "Landhunger" of the villiagers or factors which make up rents and sale values. We do not intend to elaborate this point any further here, but it must be noted that both in the

Kistna Godavari re-settlement enquiry and the Bardoli re-settlement enquiry (by a District Judge and a District Collector) it is proved that in the present economic condition of our villages where agriculture is the only means of employment whether it pays or not ; and leases and land is the only means of investment, sales are not correct indications in estimating profits of agriculture and this must be arrived at only by a direct study of the producing capacity and ability of the land and its cultivator respectively and these two pleas which were set up by the two settlement officers of the respective areas were dismissed on merits. Following the recommendations of the Bromefield-Maxwell Committee the Government of Bombay have lowered down the 50% enchancement recommended by the then Settlement Officer, Mr. Jayakar to a nominal figure of 9 pies or one anna a rupee. (Vide the Bardoli Enquiry Committee Report by Bromefield and Mr. Maxwell dated 12-4-29). If this finding is correct with regards to ryotwari areas it is all the more correct with regards to Zamindari areas where the rates are at least three times higher than that of the Government areas. Further it is the credit of the sub-lessee and

the evidence that the ryot is successfully collecting the stipulated rents that are more important matters here, than the mere paper leases. On these matters no evidence is produced by the Zamindars, side. As for direct evidence the Ryotwari rates themselves are held to be trenching on the live-wage of the ryots which is proved to be a tiny figure after meeting costs of cultivation. In connection with the settlements and the resettlement of the Government area of these 7 districts, tables of cultivation accounts were prepared both by Government and ryots. Generally these Zamindary areas are adjoining to the settlement and resettlement areas of Government in these districts. Even cutting a mean from these two figures which comes to Rs. 40 as cultivation expenses per acre in wet (i. e., growing paddy) and Rs. 20/- in dry land yielding a normal crop, we can still clearly see that the present zamindari rates which are admittedly 200% higher, generally devour the entire live wage of the ryot or perhaps some thing more

SEC. XIII.

LANKA RYOTS

Series in Lankas are opened by occupation of ryoti land when it comes out from submersion. It is represented by the Challapalli ryots that of the Acres 6,000 of Patta land existing in 1850 half the area has become seri in this way and that the latter area is in addition to it. Many lankas in East Godavari and Kistna are charged with sand being materially reduced in fertility. No reductions in the former high rates are allowed. The Challapalli and Pithapuram lankas may be taken as examples. Lanka grazing lands are leased contrary to the usage while Pithapuram Estate makes an income of Rs. 1500 on Mulakallanka land in this way. Challapalli Estate gets in tens of thousands by leasing lands for grazing in Lankas. Even for mere "Rellu" high rates are charged. The practice of keeping lanka produce under the custody of the Estate, is common. By this, the ryots have no free hand either in the sale or protecting of their produce. The Lanka Jirayati rates are at least three times higher than the rates in Government areas. i, e. ranging up

to Rs 50 per acre, while in the neighbouring Government Jirayat Lankas the rate is Rs. 3-8-0 to Rs. 8/-only. (as in the case with Lankas in Godavari by the side of Prakkilanka.) Under these circumstances in these days of depression there are lanka areas wherein 75% of the area passed away from the hands of cultivating ryots for arrears as is the case in Mulakallanka and others. An enquiry into the rent arrears of lanka lands would show the real suffering of the ryots. In fact the Estate itself has to lease out at reduced rates after they come to them in sales. Other difficulties of the Lanka Ryots brought to our notice are when ever part of the ryots' patta is cut off by selluvion tax is not reduced. In some cases the Ryot voluntarily continues paying for the eroded part of the land with the hope that the land would be given back to him when it comes out. But in many cases he is refused.

No adequate arrangements are made for draining away water from lanka lands. Their should be special Kist bund for lanka rents. River courses are changed by the Estate which at times proves detrimental to Ryoti lanka lands. Prakkilanka, Pithapur, Challapaili and Uyyur are the Estates having important lankas.

SEC. XIV.

VILLAGE SERVICE AND ZAMINDARS.

We have information to show that the artisan class is exploited by the zamindaries in some places for their exclusive benefit, and also to keep the ryots under the control of the Estate. There is evidence that occupation and encroachment of service Inams as also collection of extra tax over them under one plea or other, is resorted to in some places.

It is also stated that the estate interfere with the independence of Karnams for maintaining correct accounts of village affairs. The fact that Munagala could get 11 out of its 19 karnams suspended at one time calls for deep consideration at least. It is therefore necessary to see that the village service in zamindari villages is remodelled in a way really useful to the village at large, and save it from the influences of zamindari administration. There are representations on this, from the organisations of village officers.

RYOTS' ORGANISATIONS.

Collective spirit or activity amongst the ryots is systematically discouraged in all the estates. Ryots are only allowed to represent or negotiate with the estate individually. Kangundi is perhaps the proudest exception which could assert the collective will of the ryots over the zamindari mal-administration. Divisions created amongst the ryots by false inducement to some could only be removed by the statutory recognition of peasant associations. We are at a loss to know why the Estates do not try to understand the view point of the ryots as represented by the Andhra Provincial Zamin Ryots' Association, the Provincial Ryots' Association, and their branches.

Agraharam & Mokhasa Ryots:-These ryots specially complain that they could not yet settle themselves peacefully in their lands and so in some villages ryots are still ejected from their lands; they also state that their rates are high. Their rights given by the law must be well protected.

ZAMINDARI ADMINISTRATION—MASS CONTACT.

During our enquiry into nearly 200 typical zamindari in the Andhra Desa the

outstanding fact we noted is that the presens Zamindars never cared to vist the villages and study mass conditions for themselves, and many of them have their palaces either in towns or in cities. As such they have practically lost touch with mass conditions and the view point of the ryot. It must be said in the name of truth that in a good number of Estates it is not the zamindar nor even the Manager that influences the administrative policy but it is the parasites and bosses of the zamindar that count. There are even instances where an independant Dewan here and there was dismissed by the Estates at the instance of the parasites. The lower official, lack administrative knowledge or training they are appointed, not on qualifications, but, on favour in a large number of cases. There is no proper check and control from the centre over these petty officials. Especially the mischief played by the Forest guards and rangers who are practically out of the horizon of the Estates control is incalculable in some Estates. The administration if at all it thinks it has a policy it is that of rackrenting twisting and teasing the ryots. It does not think of the morrow and

the ryots future even in its own interests as such very little is done by the zamindars in the villages either for the economic social or cultural advancement of the ryots. How many tanks intended for supply of water to the villages are in disrepair ? Even the Local Boards do not take proper care of the Zamin-dari tanks for fear of being dragged by the zamindar into law courts. Similarly many temples we saw in a dilapidated condition : in some villages the collections of " Demudu mamools " amounting to thousands of rupees are enjoyed by the estates and the temples are in the same ruined and uncared condition similarly the condition of the depressed classes for want of house sites is deplorable.

E. L. ACT TO EXTEND TO AGENCY MUTHAS.

Some estates like Nagavaram Estate of the East Godavary District the majority of the villages are still under the Izara system under which the plight of the ryots is far worse. In the Muthas of the agency tracts of Vizagapatam and East Godavary the E. L. Act itself has no jurisdiction and their lot is beyond description.

We therefore, take this opportunity of presenting the material we gathered on this question after testing it to the Parliamentary Enquiry Committee on zamindari areas and request them to consider the various conclusions found by us on their merits and so formulate the law that the crores of Zaminyots who are the back-bone of the nation be relieved of exploitation, oppression, poverty and helplessness ; and also to mend the present institution of the zamindari to the best of their abilities so that it shall not stand in the way of the Economic political and cultural progress of the Indian Nation.

SUMMARY OF CONCLUSIONS.

From the material presented herein above under the various heads and from our study, it is clear:—that the Zamin-Ryot community and the Zamindari area are economically and politically important factors in the nation's economy ; the Zamindari area, though rich in material resources is yet not able to meet even the bare needs of life of the agriculturists in these parts due to the want of a forward spirit on the part of the Estates ; the renting system in the estates is devoid of any principle or rule and the rates levied and collected

are proving a crushing burden to the peasants devouring even more than their live wages ; even the present Estates Land Act is quite unsatisfactory in this respect inasmuch as it presumes these rent burdens to be fair and equitable, it still gives scope for enhancements under the commutation, enhancement and settlement provisions amongst others and under the colour of these, enhancements are going on in some places even in these days of depression ; the recent full Revenue Board decision regarding Parlakimidi is contrary to the spirit of the Estates Land Act itself ; special grievances, such as collection of water rates over and above wet rates, abuse of localization powers, two zamindars collecting rents on one and the same land, zamindars and Government collecting rents on Inams and enhancement of rates on Inams are represented in some estates ; troubles due to absence of Government survey and the enhancements due to so called private survey are almost common occurrences ; ryots suffer much for want of remission and suspension of rent universally ; irrigation works are in a state of dis-repair generally ; The recent amendment in 1934 has not the least helped the ryots due to its restricting and cumbersome pro-

cedure. The present law on the dasabandhum system of tank maintenance is not correct ; the present classification of irrigation resources is arbitrary including the fixation of ayacut in many places ; the complaints of ryots for repairs are not seriously entered into by the Zamindars. Where works are jointly owned it is practically proved to be no man's responsibility. There are best works constructed by ancient rulers and natural sources of irrigation in Zamindaries which if properly repaired and improved (including the execution of new works) the existing deplorable condition of the Zamindary ryots will be bettered and help also to solve unemployment particularly in Districts like Vizag ; sufferings of the Ryots under kist bund, joint patta, arbitrary methods of collection are of a primitive type ; the abuses of the process of law under the above names are very common and they are further used to suppress the peasants' individuality and liberty of conscience in matters of exercise of his political rights in many estates ; the contesting inequality of the parties is quite marked and the law has failed to recognise the inability of ryots to contest against the zamindar or to

contract matters with him on terms of equality; the process of appropriating land chiefly from ryoti and communal heads as serilard is not checked; it is growing in some estates; communal lands are practically disappearing in many zamindari villages and every village has its grievance in this matter—similar is the fate of communal rights such as fishing, quarrying and carting earth, from tanks etc., of the villagers; illegal cesses and other exactions are very freely collected even today in some estates and compulsory labour is openly exacted in some important estates even today; the condition of the hill tribes is miserable beyond description in this matter; the age long rights of Podu cultivation of the hill men in the estates are trampled upon; the forest rights, (ie., free grazing etc., of ryots) are encroached upon every where: ryots have no right even to protect themselves from wild animals; Patta Muchilikas are not exchanged for many years in several estates, even where this exists they are irregular, incorrect and some of the terms therein are impositions and or not by voluntary contract; the rights of ryots in the trees of their lands are seriously invaded by the estate; there are instances of even backyard trees being

taxed in some villages; study into the conditions of some crops will reveal that the zamindary ryot has no incentive for improving his cultivation and to raise valuable crops; his margin of net income if at all there is such a margin anywhere, is far less than that of even the ryotwari ryot; subleasing in Zamindary areas is rare and it does not pay ryot without himself investing large sums and contributing much labour to the field; lease values and sale values are not correct indications of agricultural profits in these villages at any rate; the Kistna Godavari Economic enquiry in connection with the resettlement of these areas and the Bardoli enquiry prove this; the lanka ryots in zamindaries have special grievances and they require effective remedies; village service in zamindars is dominated by the estate in many places; Ryots' Associations are regularly discouraged; zamindary administration helps division amongst the ryots, collective spirit and enterprise is not able to grow in this atmosphere; the zamindary administration is antiquated, autocratic and disorganized; it is without a principle, policy or programme and absolutely lacks in mass contact; Agraharm and Mokhasa ryots complain want of security

of their present tenure; some cases of ejection even after the Act are complained of.

PROPOSALS.

The following is the summary of our proposals for the interpretation of relationships, revision of Law and the reform of the Estates Land Act. This summary is based on the memorandum of this committee a copy of which is previously submitted to the parliamentary enquiry committee at Vizag centre, and the proposals given under each heading in the previous pages of this memorandum. We request that proposals under the appropriate heads and the previous memorandum be perused for details. Further we beg to state that the proposals made under various heads are inter related and that such cannot be considered by themselves without going into their bearing up on the other.

It must be laid that the permanent settlement and other regulations should be interpreted subject to the rights of the ryots and community of ryots and the common usages of the country side and in consonance with national economy. All the legal decisions which are repugnant to and derogate from the above should be deemed void to that extent.

All the contracts reserving mining rights in favour of the zamindar should be null and void.

The disposal of the waste lands should be regulated by rules giving preference to the needy landless agriculturists of the village.

All the premiums on lands should be abolished.

All the existing high rents in the zamindari should be brought down to the level of the rates on similar soils with similar conditions in neighbouring ryotwari areas prevailing in the pre-war period. The lower rates, if any, in the zamindari areas should not be touched. But this levelling down of the rates should only be done as a temporary measure of relief and in the nearest future there should be a thorough over-hauling of the present unscientific revenue system of both zamindari and ryotwari areas to remodel the same on an equitable and fair basis in accordance with the up-to-date principles of taxation based on the ability of the community of producers.

There should be compulsory survey and record of rights for the reasons stated in the appropriate section, and following the proposals made therein.

There should be a statutory provision for remission and suspension of rent on the lines suggested.

Irrigation works must be repaired by the Government themselves by state investments to recover the same from the zamindar and to avoid any delay. There should be remission or suspension of the rent during the period of repair. There should be a 5 or 7 years plan for the repair and improvement of the works under the zamindari areas. There should be irrigation protection fund accumulated from the zamindari income. Irrigation panchayats must be constituted. Water regulation and other matters must be in their hands. (vide: memorandum and proposals.)

Kist bund must be changed and Government's periods must be followed. Joint pattas must be divided in accordance with the actual possession and registers being kept on the lines proposed. Refusal to divide so, must be penalised. The agency of rent collection must be transferred to village officers subject to Government's control and pending the introduction of the village panchayat administration. There should be annual zamabandi. (vide: proposals under the head for details).

The contesting inequality of the parties must be recognised. Procedure under the Act must be remodeled on the lines suggested.

Seriland, other than what is cultivated by the Estate should be abolished.

All communal lands should be re-demarcated and set apart and new communal lands in view of the growing needs of the villages should be created on the lines suggested. Communal land once so constituted must always be communal and be vested in the village community irrespective of its origin.

Illegal cesses, exactions and those of compulsory labour should be severely penalized on the lines of the proposals made.

Forest rights of hillmen and ryots must be protected, including the abolition of forest village rates and the protection of the podu cultivation rights of hill men. Sufficient area should be set apart for the tree grazing and other rights of the ryots. The ryots of forest border villages should have the license to hold guns and protect themselves and their families from wild animals. (vide: memorandum and proposals.)

Patta muchilakas must be regularly exchanged and all the imposing clauses therein

contrary to the free will of the ryots and fair dealing must be null and void.

The right to all trees in the ryot's land should be vested in the ryots, notwithstanding any contract to the contrary.

Lankas rate of rents must be reduced on the same principles as those of Government Lankas. Adequate provisions must be made to secure the rights of the ryots in Lanka lands irrespective of alluvion or delluvion. Other proposals are stated under the appropriate heads.

Village service should be set free from zamindari domination.

Collective spirit amongst the ryots must be encouraged and ryot's associations should be recognised.

There should be special land courts on the lines suggested.

Zamindari administration should be remodelled and brought on up to date lines and subject to state control. Ryots must have access to the records etc., and they must be associated with the administration.

Rent ought not to be first charged. In all the proceedings under the Estates Land Act

valuation must be on a flat rate and it must be within the capacity of the poor ryot.

The Estates Land Act should apply to the Agency tracts and all the Muttas, including the Venkatapuram and Nagur Taluqs. Rules under the Act must be previously circulated to the Ryot's Association for opinion.

By way of improving the agricultural position in the zamindari areas, we further beg to suggest that co-operative farming, model agricultural farms, better credit and marketing facilities, agricultural and technical training for ryots and farm servants and better housing accomodation for ryots and farm servants.

Facilities for communications and also for better drinking water are some other important proposals, which the state should have to take to in the interests of the agricultural masses in general and the zamindari ryots in particular. It is the duty of the zamindars to help towards the same. There must be statutory provision for laying the zamindar's responsibility towards the village welfare. In many of these matters our enquiry shows that zamindari villages are more backward than ryotwari villages.

12344

